SPECIAL CITY COUNCIL MEETING
NEW BRAUNFELS MUNICIPAL BUILDING – CONFERENCE ROOM B
424 S. CASTELL AVENUE
MAY 27, 2008, 5:00 P.M.

The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA

CALL TO ORDER: TUESDAY, MAY 27, 2008 – 5:00 P.M.

CALL OF ROLL

1. INTERVIEWS
   (A) INTERVIEW APPLICANTS FOR TERMS ON THE NEW BRAUNFELS PLANNING & ZONING COMMISSION AND THE ZONING BOARD OF ADJUSTMENTS.

2. EXECUTIVE SESSIONS

   In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session. After the Executive Session discussion on any of the following items, any final action or vote taken will be in public.

   (A) DISCUSS AND CONSIDER THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, IF THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON, IN ACCORDANCE WITH SECTION 551.072, OF THE TEXAS GOVERNMENT CODE.
      A. Wayland, City Attorney

   (B) DELIBERATE PENDING/CONTEMPLATED LITIGATION, SETTLEMENT OFFER(S), AND MATTERS CONCERNING PRIVILEGED AND UNPRIVILEGED CLIENT INFORMATION DEEMED CONFIDENTIAL BY RULE 1.05 OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT, IN ACCORDANCE WITH SECTION 551.071, OF THE TEXAS GOVERNMENT CODE. (Green Valley Special Utility District/Fire Protection)
      A. Wayland, City Attorney

ADJOURNMENT

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act.
CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal on May 23, 2008 at 1:00 p.m.

Michael A. Resendez
MICHAEL A. RESENDEZ, City Secretary

NOTE: Persons who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least (2) work days prior to the meeting so that appropriate arrangements can be made.
The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA

CALL TO ORDER: MAY 27, 2008 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

INVOCATION: COUNCILMEMBER KATHLEEN KRUEGER

ECONOMIC EXCELLENCE AWARD FOR NEW BRAUNFELS INDUSTRIAL DEVELOPMENT CORPORATION

REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

1. MINUTES
   M. Resendez, City Secretary Pages 1-8

2. CITY COUNCIL ACTIONS Page 9
   (A) CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON MAY 10, 2008, TO ELECT (1) MEMBER OF THE NEW BRAUNFELS CITY COUNCIL; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY. Pages 10-12

   (B) COMPLETE AND ISSUE CERTIFICATE OF ELECTION TO COUNCILMEMBER-ELECT, KATHLEEN KRUEGER. Page 13

   (C) ADMINISTER OATH-OF-OFFICE TO COUNCILMEMBER-ELECT, DISTRICT FIVE, KATHLEEN KRUEGER. Page 14

   (D) ADMINISTER OATH-OF-OFFICE TO COUNCILMEMBER-ELECT, DISTRICT SIX, STEVEN DIGGES. Page 15

   (E) ADMINISTER OATH-OF-OFFICE TO MAYOR, AT-LARGE, R. BRUCE BOYER. Page 16

   (F) ELECTION OF A MAYOR PRO-TEM.

3. CITIZENS' COMMUNICATIONS – THIS TIME IS FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THERE WILL BE NO CITY COUNCIL ACTION AT THIS TIME. Page 17

Mayor Bruce Boyer
4. **CONSENT AGENDA**  

_All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business._

(A) **AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R. W. BECK FOR THE SOLID WASTE COST OF SERVICES STUDY AND HEAVY EQUIPMENT REPLACEMENT ANALYSIS, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE.**  
_S. Ramsey, Public Works Director/M. Quinones, Purchasing Manager_  
_Pages 19-20_

(B) **APPROVAL TO AUTHORIZE THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH SAM HOUSTON STATE UNIVERSITY TO PROVIDE A STATE-OF-THE-ART COMPREHENSIVE POLICE INFORMATION SYSTEM.**  
_R. Everett, Police Chief_  
_Page 21_

(C) **APPROVAL OF AIRPORT STANDARD RATES AND CHARGES ANNUAL ADJUSTMENTS FOR 2007 AND 2008.**  
_A. Spinks, Airport Director_  
_Page 22_

(D) **APPROVAL OF THE FIRST READING OF AN ORDINANCE GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 195 E. COLL STREET, KNOWN AS THE CARL STOCK HOUSE, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**  
_C. Bell, Historic Preservation Officer_  
_Pages 23-29_

(E) **APPROVAL OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDATIONS FOR ALLOCATING GRANT AWARDS FROM HOTEL OCCUPANCY TAX TO VARIOUS ARTS ORGANIZATIONS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE AFOREMENTIONED ORGANIZATIONS FOR THE PURPOSE OF DISBURSEMENT AND USE OF FUNDING.**  
_M. Resendez, City Secretary_  
_Pages 30-31_

(F) **APPROVAL OF A RESOLUTION FOR ACCEPTANCE OF A PROSPECTIVE GIFT OR DONATION TO THE CITY BY THE PAUL LENZEN IRREVOCABLE TRUST, AND AUTHORIZE PAYMENT TO THE NEW BRAUNFELS PUBLIC LIBRARY FOUNDATION.**  
_R. Camarena, Assistant City Manager_  
_Pages 32-33_

(G) **AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A ONE-YEAR EXTENSION OF THE CONTRACT WITH AT&T WIRELESS (FORMERLY CINGULAR WIRELESS LLC) FOR CELLULAR TELEPHONE AND AIRCARD SERVICES UNDER THE STATE OF TEXAS CONTRACT.**  
_D. Korinchock, Support Services Director_  
_Page 34_

5. **INDIVIDUAL ITEMS FOR CONSIDERATION**

(A) **PUBLIC HEARING AND FIRST READING OF AN ORDINANCE REZONING LOTS 1A AND 1C BEATRICE KNOX SUBDIVISION, AND LOTS 1 AND 2, NAZARENE SUBDIVISION, FROM “M-1A(R61) LIGHT INDUSTRIAL DISTRICT (WITH RESTRICTIONS)”, “R-2 SINGLE AND TWO FAMILY DISTRICT” AND “C-3 COMMERCIAL DISTRICT” TO “C-1B GENERAL BUSINESS DISTRICT”._  
_R. Kinsey, Interim Planning Director_  
_Pages 35-48_
(B) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING AN EXISTING SPECIAL USE PERMIT TO ALLOW TWO STRUCTURES TO BE USED FOR SHORT TERM RENTAL OR OCCUPANCY AND ONE STRUCTURE TO BE USED AS A PERSONAL RESIDENCE IN THE "R-3L MULTIFAMILY LOW DENSITY DISTRICT", LOCATED AT 1704 GRUENE ROAD. Pages 49-65
R. Kinsey, Interim Planning Director

(C) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING SECTIONS 118-35, 118-51.3(B) AND (C), AND 118-53, PLATING, NEW BRAUNFELS CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE. Pages 66-82
R. Kinsey, Interim Planning Director

(D) PUBLIC HEARING AND FIRST READING OF AN ORDINANCE TO AMEND THE 2005 THOROUGHFARE MASTER PLAN BY CHANGING WALNUT AVENUE BETWEEN KATY STREET AND S. BUSINESS IH 35 FROM A 90' ARTERIAL TO A 120' ARTERIAL. Pages 83-86
R. Kinsey, Interim Planning Director

(E) DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS EXTENDING A MORATORIUM ON ELECTRONIC VIDEO DISPLAY SIGNS. Pages 87-90
R. Kinsey, Interim Planning Director

(F) DISCUSS AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES BY ADOPTING THE 2006 EDITIONS OF THE INTERNATIONAL RESIDENTIAL, BUILDING, PLUMBING, MECHANICAL, FUEL GAS, ENERGY CONSERVATION, FIRE, PROPERTY MAINTENANCE AND 2005 NATIONAL ELECTRIC CODES; MAKING VARIOUS AMENDMENTS, DELETIONS, AND MODIFICATIONS TO THE 2006 INTERNATIONAL CODES; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. Pages 91-105
R. Kinsey, Interim Planning Director

(G) DISCUSS AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 54, "FIRE PREVENTION AND PROTECTION; EMERGENCY MEDICAL SERVICES" OF THE CODE OF ORDINANCES CITY OF NEW BRAUNFELS, TEXAS, BY ADOPTING, WITH MODIFICATIONS AND AMENDMENTS, THE "2006 INTERNATIONAL FIRE CODE"; MAKING VARIOUS AMENDMENTS, DELETIONS, AND MODIFICATIONS TO THE "2006 INTERNATIONAL FIRE CODE"; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. Pages 106-124
R. Edwards, Fire Marshal

(H) DISCUSS AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 86-7 "OPERATION OF VEHICLES IN PARKS," SUBSECTION (d) "PARKING FEES IN PRINCE SOLMS PARK EAST" OF THE NEW BRAUNFELS CODE OF ORDINANCES TO USE THE FEES COLLECTED IN 2008 FOR IMPROVEMENT OF THE PARK AND TO REPEAL SUBSECTION (d) EFFECTIVE JANUARY 1, 2009; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Pages 125-127
S. Laird, Parks and Recreation Director
DISCUSS AND CONSIDER ACTION REGARDING THE FOLLOWING CITY OF NEW BRAUNFELS BOARD & COMMISSION APPOINTMENTS:

1) THREE MEMBERS TO THE PLANNING AND ZONING COMMISSION FOR THREE-YEAR TERMS ENDING MAY 31, 2011.

2) FIVE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT FOR TWO-YEAR TERMS ENDING MAY 31, 2010; THREE OF THE MEMBERS TO SERVE IN A REGULAR CAPACITY AND TWO MEMBERS TO SERVE IN AN ALTERNATE CAPACITY. Pages 128-154

M. Resendez, City Secretary

DISCUSS AND CONSIDER APPROVAL OF RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REGARDING FIRE PROTECTION IN THE GREEN VALLEY SPECIAL UTILITY DISTRICT SERVICE AREA. Pages 155-157

A. Wayland, City Attorney

6. REPORTS Page 158

   a) CITY COUNCIL’S REPORT
   
   b) STAFF REPORTS

City Council reserves the right to hear any of the above described agenda items that qualify for an executive session in an executive session by publicly announcing the applicable section number of the Open Meetings Act (Chapter 551 of the Texas Government Code) that justifies executive session treatment.

ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the New Braunfels Municipal Building on May 23, 2008 at 1:00 p.m.

Michael A. Resendez  City Secretary

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary’s Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.
MINUTES
REGULAR CITY COUNCIL MEETING
MAY 12, 2008

The City Council of the City of New Braunfels, Texas, met in Regular Session on May 12, 2008.

City Councilmembers present were: Mayor Bruce Boyer, presiding; Mayor Pro-tem Gale Pospisil, and Councilmembers Richard Zapata, Pat Wiggins, and Steven Digges.

City Staff present were: City Manager Michael E. Morrison, Assistant City Manager Robert Camarena, City Attorney Alan C. Wayland, City Secretary Michael A. Resendez, Public Works Director Steven Ramsey, Purchasing Manager Mary Quinones, Interim Planning Director Robert Kinsey, Historic Preservation Officer Cherise Bell, Police Chief Ron Everett, Support Services Director Deborah Korinchock, Airport Director Andy Spinks, Library Director Louise Foster, River Activities Manager Nathan Pence, and Information and Technology Manager Kern Tilley.

Also present were: Erica Cousley, Kookie Barboza, Marv Fey, Betty Fey, Denise Mansky, Ben Smith, Jo Smith, Don Cork, Dave Dean, Sue Dean, Alice Clasen, Peter Olsen, David W. Hartmann, Darrell David, Cristabell West, Andy Davis, Mark McLiney, Ryan Cunningham, Rebecca Lynch, Alex Lynch, Sean Lynch, John Olthuis, Alina Olthuis, Vladimir Pospisil, Vickie Hocker, Wayne Rudolph, Charlotte Boyd, and News Reporters Chris Cobb and Bryan Feltner.

The meeting was called to order by Mayor Bruce Boyer in the New Braunfels Municipal Building City Council Chambers at 6:04 p.m. All Councilmembers were present except Councilmembers Mark Goodner and Kathleen Krueger. Mayor Boyer led the Pledge of Allegiance and Salute to the Texas Flag and Councilmember Pat Wiggins gave the invocation.

PROCLAMATIONS: Mayor Boyer presented a proclamation proclaiming the week of May 11th – May 17th, 2008, as “Police Appreciation Week” and urged all citizens to join in commemorating police officers, past and present, for their faithful and loyal devotion and service to their communities and for preserving the rights and security of all citizens. Next, Mayor Boyer presented a proclamation proclaiming the month of May as “National Historic Preservation Month” and called upon the citizens of New Braunfels to join fellow citizens across the United States in recognizing and participating in this special observance. The third proclamation presented by Mayor Boyer urged all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who risked their lives in defense of America’s freedoms. The fourth proclamation proclaimed May 17, 2008, as “Friends of the Library Day” and encouraged all residents to visit the library and take advantage of the all the wonderful resources and thank all the workers and volunteers associated with the New Braunfels Public Library. The last proclamation presented by Mayor Boyer entitled “Community
Action Month” called for the citizens of New Braunfels to continue to wage war on poverty by providing support and opportunities for all citizens in need of assistance.

MINUTES: Councilmembers considered approval of the minutes of the Regular Meeting of April 28, 2008.

Councilmember Wiggins moved to approve the minutes as presented. Councilmember Digges seconded the motion which was unanimously approved by City Council.

CITIZENS’ COMMUNICATIONS:

No input was received from the public under this caption.

CONSENT AGENDA:

Mayor Boyer read the Consent Agenda as listed below. Following the reading of the Consent Agenda, Mayor Pro-tem Pospisil moved to approve the Consent Agenda as presented below. Councilmember Digges seconded the motion which was unanimously approved by City Council.

(A) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NUMBER 75-10 DATED APRIL 28, 1975 TO APPROVE INSTALLATION OF THE TRAFFIC CONTROL DEVICES ALONG BLUEBONNET AVENUE AND WITHIN NORTHWEST CROSSING SUBDIVISION WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW BRAUNFELS.

Ordinance No. 2008-30

(B) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE REZONING 154.525 ACRES OUT OF THE SARAH DEWITT SURVEY NO. 48, LOCATED ON THE NORTH SIDE OF KLEIN ROAD AT THE FUTURE EXTENSION OF WALNUT AVENUE, FROM “APD AGRICULTURAL/PRE-DEVELOPMENT DISTRICT” TO “C-1B GENERAL BUSINESS DISTRICT”.

Ordinance No. 2008-31

(C) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT ON A PORTION OF 730 HOWARD STREET, DESCRIBED AS 1.170 ACRES OUT OF THE J. M. VERAMENDI TWO LEAGUE GRANT, TO ALLOW CERTAIN USES IN AN “R-3 MULTIFAMILY DISTRICT”.

Ordinance No. 2008-32
(D) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE DESIGNATING THE STRUCTURE LOCATED AT 532 ROCK STREET, TO BE KNOWN AS "THE ERNST AND ANTOINETTE GRUENE HOUSE", AS A HISTORIC LANDMARK ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP.

**Ordinance No. 2008-33**

(E) APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE DESIGNATING THE STRUCTURE LOCATED AT 195 E. COLL STREET, TO BE KNOWN AS "THE CARL STOCK HOUSE", AS A HISTORIC LANDMARK ACCORDING TO CHAPTER 66, ARTICLE III, AND AMENDING THE ZONING MAP.

**Ordinance No. 2008-34**

(F) APPROVAL OF THE CITY OF NEW BRAUNFELS FY 2007-08 SECOND QUARTER INVESTMENT REPORT. As noted in the agenda packet, as of March 31, 2008, the City had $81,892,068 invested in different investment instruments which represented an increase of about 12.6 percent from the end of the prior quarter.

(G) APPROVAL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TERRACON FOR MATERIAL TESTING REGARDING THE WALNUT AVENUE EXTENSION PROJECT. As noted in the agenda packet, Terracon would be providing these services for a contract cost of $60,000. It was further noted that sufficient funds were available in the Fiscal Year 2007/08 budget through the budget adjustments approved at a Council workshop on December 4, 2007 and the project budget established by Council on December 10, 2007.

(H) APPROVAL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT MODIFICATION WITH FREESE & NICHOLS REGARDING THE LANDA LAKE PROJECT. As noted in the agenda packet, Freese and Nichols would be providing services through an amendment and increase of up to $35,000 bringing the new contract total to $78,245.50.

(I) APPROVAL OF SUBLEASING CONTRACTS FOR THE USE OF THE ARTS AND CRAFTS BUILDING AT THE COMAL COUNTY FAIRGROUNDS. As noted in the agenda packet, rental contracts from the following individuals were included for approval: Yvonne Garcia, New Braunfels Realtors, Ebby Garcia, Barney Hendrick, Judy Hernandez, Dennis Williams, and Roberto Garza.
APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS AMENDING CHAPTER 138, VEHICLES FOR HIRE, ARTICLE VI, WATER RECREATION SHUTTLE SERVICES, SECTION 138-67 PERMIT, BY AMENDING SECTION 138-67, MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT: Mayor Boyer read the above and foregoing caption.

City Attorney Wayland informed City Council that this was the second and final reading of this particular ordinance and that it was being enacted in response to a lawsuit filed against the City by a party known as STOP. He stated that this ordinance allowed for the shuttle permit system to operate for this river season alone different than in the years past. He further informed City Council that District Judge Ronald Carr had found the prior River Management Fee Ordinance to be invalid which prompted the City to create this new ordinance to allocate shuttle seats equally. City Attorney Wayland noted that he had passed out an alternative ordinance to City Council prior to the meeting.

Councilmember Digges suggested that the following language be added to Section 138-167(e)(1) and (e)(2): unless otherwise agreed to in writing by all outfitters who make application by May 16, 2008. Councilmember Digges noted that he felt an agreement had been worked out between the City and the outfitters that would best suit each party.

Councilmember Digges moved to approve the second and final reading of this ordinance as amended. Mayor Pro-tem Pospisil seconded the motion.

Mayor Boyer then opened the floor to public input.

Following no comments from the audience, City Council approved the second and final reading of this ordinance by the following roll call vote; AYES: Councilmembers Pospisil, Wiggins, Digges, Zapata, and Mayor Boyer; NAYS: None.

Ordinance No. 2008-35

PRESENTATION, DISCUSSION, AND ACTION REGARDING THE FY 2006-07 AUDIT PERFORMED BY DAVIS, KINARD AND COMPANY, P.C.: Mayor Boyer read the above and foregoing caption.

Following a brief introduction by Support Services Director Korinchock, Denise Mansky of Davis, Kinard and Company, P.C., navigated City Council through the Comprehensive Annual Financial Report. Ms. Mansky commenced by making reference to the transmittal letter signed by City Manager Morrison and Support Services Director Korinchock conveying a profile of the government, economic outlook, incentives and financial information. Next, Ms. Mansky covered schedules, organizational charts and the independent auditor’s report which included the issuance of a clean opinion. She also addressed the statement of net assets for the entity as a whole as well as the statement of activities.
Continuing with her presentation, Ms. Mansky noted that the General Fund had a fund balance of $25,000,000 and the total governmental fund balances were $71,500,000. She then covered the statements of revenue and expenses, internal service funds, cash flow statements, and statement of net assets for the City's component units. The next portion of her presentation referenced the budget to actual for the General Fund, Hotel/Motel Fund and various other funds. Continuing, Ms. Mansky noted information on a report on internal controls and government auditing standards as well as a report on compliance and schedule of expenditures of federal awards.

Ms. Mansky then covered a list of suggestions to improve internal controls as listed towards the end of the financial report and ended her presentation by speaking of statistical information related to financial trends, revenue capacity, debt capacity, and demographic and economic information. In closing, Ms. Mansky mentioned that there were no disagreements with management and that no other auditors needed to be consulted with.

Mayor Pro-tem Pospisil moved to accept the audit report as presented. Councilmember Digges seconded the motion.

Following no public input on the matter, City Council unanimously approved the motion proposed by Mayor Pro-tem Pospisil.


Support Services Director Korinchock stated that this ordinance related to the issuance of $2,000,000 in tax notes to fund the cost of two pumper trucks, one 100' aerial ladder truck and related equipment for use by the City's Fire Department. She stated that this debt instrument had a shorter term than certificates of obligation which was seven years rather than twenty years in an attempt to match the life of the debt to the expected life of the assets. Support Services Director Korinchock added that the debt would be issued at a 3.4% interest rate through J.P. Morgan Chase and requested that City Council approve the sale of the tax notes.
Mayor Pro-tem Pospisil then moved to approve the ordinance as presented. Councilmember Wiggins seconded the motion.

Mayor Boyer then opened the floor to public comment.

Following no public input, City Council approved the reading of this ordinance by the following roll call vote; AYES: Councilmembers Wiggins, Digges, Zapata, Pospisil and Mayor Boyer; NAYS: None.

**Ordinance No. 2008-36**

**DISCUSS AND CONSIDER AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH COMAL COUNTY FOR IMPROVEMENTS TO STATE HIGHWAY 46:** Mayor Boyer read the above and foregoing caption.

Support Services Director Korinchock noted that the City and the Texas Department of Transportation (TxDOT) had entered into a partnership to complete improvements to State Highway 46. She added that TxDOT would complete all construction related to the project and would ultimately pay the total construction cost. Ms. Korinchock further added that the County and City would each fund their proportionate share of the project with the County paying 70 percent and the City paying 30 percent as established by the center lane miles in the project inside the City and outside the City and that the $16,000,000 would be used for construction expenditures. Ms. Korinchock said that in this pass through financing agreement, once the improvements were complete, TxDOT would repay the $16,000,000 based on vehicle miles driven and that for every vehicle mile (one vehicle traveling one mile on SH 46), that TxDOT would pay $.10. She added it was estimated that the $16,000,000 could be repaid in about four years under the proposed scenario. It was noted that this agreement reflected the cost sharing arrangement between Comal County and the City of New Braunfels and that the Comal County Commissioners Court had already approved the agreement and that Comal County had already executed an agreement with TxDOT for the project. It was further noted that the City had already entered into a separate agreement with TxDOT to pay a portion of the right-of-way acquisition costs for the project, estimated to cost the City $530,000.

Support Services Director Korinchock recommended that City Council authorize the City Manager to execute an interlocal agreement with Comal County for improvements to State Highway 46 and that the total estimated interest expense to the City under this agreement was $1,329,764 with the first payment estimated to be $153,350 and occur in FY 2008-09.

Following comments from Councilmembers, Mayor Pro-tem Pospisil moved to authorize the City Manager to execute an interlocal agreement with Comal County for improvements to State Highway 46. Councilmember Digges seconded the motion which was unanimously approved by City Council.
Darrell S. David and Randy Taylor received the highest number of votes and were appointed to the New Braunfels Municipal Airport Advisory Board for terms ending May 12, 2011.

**DISCUSS AND CONSIDER PERSONNEL MATTERS INVOLVING THE ANNUAL EVALUATION OF A PUBLIC OFFICER OR EMPLOYEE – CITY ATTORNEY, IN ACCORDANCE WITH SECTION 551.074, OF THE TEXAS GOVERNMENT CODE:** Mayor Boyer read the above and foregoing caption.

At 6:58 p.m., Mayor Boyer read the above and foregoing caption and moved to Conference Room B to conduct an evaluation of the City Attorney.

The only staff present during the executive session was City Attorney Wayland.

At 7:30 p.m., City Council returned from executive session into regular open session where it was announced that no action was taken during the closed executive session.

Mayor Pro-tem Pospisil moved to give City Attorney Wayland a 10% salary increase effective with the next pay period. Councilmember Zapata seconded the motion.

Following positive comments from Councilmembers, City Council unanimously approved the motion proposed by Mayor Pro-tem Pospisil.

**REPORTS – City Council:** Councilmembers reported their activities since the last Regular City Council meeting which consisted of various civic functions, City Council workshops and meetings, miscellaneous activities and future scheduled events.
REPORTS - Staff Activities: City Attorney Wayland thanked Councilmembers for their vote of confidence.

ADJOURNMENT: This Regular meeting adjourned at 7:35 p.m.

Date Approved: May 27, 2008

By: 

R. BRUCE BOYER, MAYOR

Attest:

MICHAEL A. RESENDEZ,
CITY SECRETARY
CONCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: City Council Actions

ORIGINATING DEPARTMENT: Mayor
PRESENTER: Mayor Boyer

COUNCIL DATE: May 27, 2008
AGENDA #: 2

AGENDA CAPTIONS:

(A) CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON MAY 10, 2008, TO ELECT ONE (1) MEMBER OF THE NEW BRAUNFELS CITY COUNCIL; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

City Council met on May 21, 2008 to canvass the election results from the District 5 race. Following a review of the election documents presented at the meeting, City Council certified that the election figures as stated in this ordinance are correct.

(B) COMPLETE AND ISSUE CERTIFICATE OF ELECTION TO COUNCILMEMBER-ELECT, KATHLEEN KRUEGER.

Mayor Boyer will issue the certificate of election to Councilmember-Elect Krueger.

(C) ADMINISTER OATH-OF-OFFICE TO COUNCILMEMBER-ELECT, DISTRICT FIVE, KATHLEEN KRUEGER.

City Secretary Michael Resendez will administer the Oath of Office to Councilmember Krueger.

(D) ADMINISTER OATH-OF-OFFICE TO COUNCILMEMBER-ELECT, DISTRICT SIX, STEVEN DIGGES.

City Secretary Michael Resendez will administer the Oath of Office to Councilmember Digges.

(E) ADMINISTER OATH-OF-OFFICE TO MAYOR, AT-LARGE, R. BRUCE BOYER.

City Secretary Michael Resendez will administer the Oath of Office to Mayor Boyer.

(F) ELECTION OF A MAYOR PRO-TEM.

Mayor Boyer will call for nominations to elect a Mayor Pro-tem for a one-year term.
ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, DECLARING THE CANVASS AND RESULT OF AN ELECTION HELD ON MAY 10, 2008, TO ELECT ONE (1) MEMBER OF THE NEW BRAUNFELS CITY COUNCIL; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I

Came on this the 21st day of May, 2008, the 11th day after the called election to elect one (1) member of the City Council of New Braunfels, Texas, regularly to be canvassed in accordance with State law, the returns of the regular municipal election held on the 10th day of May, 2008, at which election there were submitted to the qualified voters of the City of New Braunfels, the names of candidates to be considered for the election of one (1) member of the City Council, all as fully set out in the resolution ordering said election and approved on the 11th day of February, 2008, as set out in the Election Notice published in the New Braunfels Herald-Zeitung, a newspaper of general circulation in said city, as required by law, reference to said resolution being here made for all purposes, and the City Council of the City of New Braunfels has met to canvass the returns and to declare the result of said election in the manner provided by law, and after considering, determining and canvassing all matters of facts, including votes, appertaining, we, the Mayor and the City Council of the City of New Braunfels, after opening the returns of the election received from the election judges and delivered to the City Secretary, do hereby find and declare the result of said election to be as tabulated below:

FOR MEMBER OF CITY COUNCIL

DISTRICT FIVE (5)

KEVIN MORRIS 32 VOTES

KATHLEEN KRUEGER 177 VOTES

II

And it appearing to the City Council of the City of New Braunfels that the names of the candidates for the offices of Councilmember for the City of New Braunfels from District Five (5) for a term which shall begin at the first regular meeting following this canvass (May 27, 2008) and shall expire when his/her successor is elected and qualified after the regular election to be held in May 2011; were submitted at said election and that the election was held and conducted, and that the returns thereof were made, all as required by the Charter of the City of New Braunfels, Texas, and the laws of the State of Texas, the order of the
City Council and the law for such cases made and provided, and that at said election, there
were cast respectively for each of the said candidates for District Five (5) for the term
beginning on May 27, 2008, and which shall expire in May 2011, the aggregate number of
votes “FOR”, all as shown on the above.

III
The Mayor and City Council of the City of New Braunfels, having first canvassed
said returns and having found the same in all things correct, the same was thereupon
adopted by majority vote of the City Council; and it is further declared that as a result of
said regular election; the Member of Council of the City of New Braunfels from District Five
(5), for the term beginning May 27, 2008, is

DISTRICT FIVE (5): KATHLEEN KRUEGER

was elected by receiving the majority of all votes cast for the office for which she was a
candidate, cast by the qualified voters of the City of New Braunfels voting at said election,
and each is hereby declared to be the lawful and duly elected Councilmember for the City
of New Braunfels for the district specified.

IV
If any part of this ordinance shall be held to be unconstitutional or invalid for any
reason, such unconstitutionality or invalidity shall not affect the constitutionality or validity of
the remaining parts of this ordinance. The City Council hereby declares that it would have
passed the remaining parts of this ordinance if it had known that such part or parts thereof
would have been declared unconstitutional or invalid, and further declares that such
remaining parts shall remain in full force and effect; and that the provisions hereof are
severable.

V
It is further ordained that, in view of the fact that it is for the best interest of the
citizens of the City of New Braunfels, and one which requires the immediate declaration
and the canvass and result of said election thereby creating an imperative public necessity
that the rule requiring ordinances to be read at two (2) separate meetings of the City
Council be suspended, the same is hereby suspended, and this ordinance shall take effect
and be in full force from and after its passage as an emergency ordinance as made and
provided by the Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED this the 27th day of May, 2008.

CITY OF NEW BRAUNFELS, TEXAS

BRUCE BOYER, Mayor
ATTEST:

__________________________
MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:

__________________________
ALAN C. WAYLAND, City Attorney
CERTIFICATE OF ELECTION

IN THE NAME AND BY THE AUTHORITY OF

THE STATE OF TEXAS

THIS IS TO CERTIFY,

That at the General Election held on May 10, 2008

KATHLEEN KRUEGER

was duly elected

Councilmember District 5 for the City of New Braunfels.

In testimony whereof, I have hereunto signed my name and caused the Seal of the City of New Braunfels to be affixed, at the City of New Braunfels this the 21st day of May, 2008.

__________________________
Signature of Presiding Officer of Canvassing Authority

City of New Braunfels
In the name and by the authority of

The State of Texas

OATH OF OFFICE

City of New Braunfels

I, KATHLEEN KRUEGER, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of City of New Braunfels Councilmember, District Five, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Kathleen Krueger, 
Affiant

SWORN TO and subscribed before me by Kathleen Krueger, affiant, on this 27th day of May, 2008.

Michael A. Resendez, 
Notary Public Administering Oath

(Seal)
In the name and by the authority of

The State of Texas

OATH OF OFFICE

City of New Braunfels

I, STEVEN DIGGES, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of City of New Braunfels Councilmember, District Six, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

__________________________
Steven Digges,
Affiant

SWORN TO and subscribed before me by Steven Digges, affiant, on this 27th day of May, 2008.

__________________________
Michael A. Resendez,
Notary Public Administering Oath

(Seal)
In the name and by the authority of

The State of Texas

OATH OF OFFICE

City of New Braunfels

I, R. BRUCE BOYER, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Mayor for the City of New Braunfels, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

R. Bruce Boyer,
Affiant

SWORN TO and subscribed before me by R. Bruce Boyer, affiant, on this 27th day of May, 2008.

Michael A. Resendez,
Notary Public Administering Oath

(Seal)
COUNCIL AGENDA ITEM

SUBJECT / PROJECT: CITIZEN'S COMMUNICATIONS
ORIGINATING DEPARTMENT: Mayor
PRESENT: Mayor Boyer
COUNCIL DATE: May 27, 2008
AGENDA #: 3

AGENDA CAPTION:
This time is for citizens to address the City Council on issues and items of concern, not on this agenda. There will be no City Council action at this time.

RATIONALE:

FISCAL IMPACT:

BOARD RECOMMENDATION:

STAFF RECOMMENDATION:

Finance: ____________
Attachments: ____________
Agenda Item #: 3
Council Date: 5-27-08
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: CONSENT AGENDA  
ORIGINATING DEPARTMENT: VARIOUS  
PRESENTERS: VARIOUS  
COUNCIL DATE: MAY 27, 2008  
AGENDA ITEM #: 4(A-G)

ALL ITEMS LISTED BELOW ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILMEMBER OR CITIZEN SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED AS PART OF THE NORMAL ORDER OF BUSINESS.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>APPROVAL TO AUTHORIZE THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH SAM HOUSTON STATE UNIVERSITY TO PROVIDE A STATE-OF-THE-ART COMPREHENSIVE POLICE INFORMATION SYSTEM.</td>
<td>R. Everett</td>
<td>See briefing sheet.</td>
</tr>
<tr>
<td>D</td>
<td>APPROVAL OF THE FIRST READING OF AN ORDINANCE GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 195 E. COLL STREET, KNOWN AS THE CARL STOCK HOUSE, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT, CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.</td>
<td>C. Bell</td>
<td>Non-controversial.</td>
</tr>
<tr>
<td>E</td>
<td>APPROVAL OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDATIONS FOR ALLOCATING GRANT AWARDS FROM HOTEL OCCUPANCY TAX TO VARIOUS ARTS ORGANIZATIONS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE AFOREMENTIONED ORGANIZATIONS FOR THE PURPOSE OF DISBURSEMENT AND USE OF FUNDING.</td>
<td>M. Resendez</td>
<td>See briefing sheet.</td>
</tr>
<tr>
<td>F</td>
<td>APPROVAL OF A RESOLUTION FOR ACCEPTANCE OF A PROSPECTIVE GIFT OR DONATION TO THE CITY BY THE PAUL LENZEN IRREVOCABLE TRUST, AND AUTHORIZE PAYMENT TO THE NEW BRAUNFELS PUBLIC LIBRARY FOUNDATION.</td>
<td>R. Camarena</td>
<td>See briefing sheet.</td>
</tr>
<tr>
<td>G</td>
<td>AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A ONE-YEAR EXTENSION OF THE CONTRACT WITH AT&amp;T WIRELESS (FORMERLY CINGULAR WIRELESS LLC) FOR CELLULAR TELEPHONE AND AIRCARD SERVICES UNDER THE STATE OF TEXAS CONTRACT.</td>
<td>D. Korinchock</td>
<td>See briefing sheet.</td>
</tr>
</tbody>
</table>
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: AWARD OF PURCHASE TO RW BECK

ORIGINATING DEPARTMENT: Public Works/Support Services

COUNCIL DATE: May 27, 2008

PRESENTER: Steve Ramsey/Mary Quinones

AGENDA CAPTION:

AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RW BECK FOR THE SOLID WASTE COST OF SERVICES STUDY AND HEAVY EQUIPMENT REPLACEMENT ANALYSIS, THROUGH THE HOUSTON GALVESTON AREA COUNCIL COOPERATIVE.

RATIONALE:
The City of New Braunfels Public Works Department Sanitation Division has modified its operations over the past couple of years, making significant investments in automated collection vehicles resulting in more efficient operations. This has been accomplished without any rate increases in the last two years. However, future increased landfill costs and the need for a new Public Works service center are expected to impact Solid Waste's operating costs. In addition, a formal rate study of garbage collection and recycling efforts has not been conducted for the City of New Braunfels in the recent past. A solid waste cost of service/rate study is recommended by staff to define a rate structure consistent with current operations and activities.

It is proposed RW Beck conduct the study. This firm successfully completed this type of study for three other cities of our similar population and size. Staff has checked references and received a positive response from the City of Killeen.

RW Beck will gather data, analyze and communicate findings and present the financial and operating characteristics and cost drivers of the solid waste system. They will document the full cost of various solid waste services and allocate costs to the appropriate cost centers. The data gathered will be built into a City cost allocation model that will capture the capital, debt, operation, and maintenance costs as well as indirect costs (administration and overhead).

RW Beck will also provide a projection for the costs of service for a five-year time frame (Fiscal Years 2009-2013). This forecast will show the effects of growth on solid waste costs. Cost of service projections will include growth in customers and disposal tonnages, changes in operations and maintenance expenses, projected capital expenditures, inflation factors and projected debt service. The cost of relocation of the solid waste operations center and anticipated future increases in disposal costs will be included in the rate analysis.

As part of the contract, RW Beck will determine current revenue generation from solid waste utility operations and update the fee structure so that it will be sufficient to recover the cost of service. They will recommend rates that recover the cost of each type of service through the rates for that service. For example, the recycling rate will reflect costs associated with that effort.

The deliverables will include the reports and costing structure for items mentioned. In addition, RW Beck will leave the City the actual spreadsheet model they used to develop the costs and rates so that City staff can use it to update the study in the future as needed. RW Beck will provide training on the use of this model.

In addition, RW Beck will complete an analysis so that the City can fully implement a heavy equipment replacement program. For the last three years, Council has funded the light vehicle replacement program setting aside funds annually so that money is available to purchase replacement vehicles on a standard six year cycle. This analysis will allow the City to fund heavy equipment replacements in the same manner. The cost of this portion of the study is $5,000.
This purchase service is through the Houston Galveston Area Council of Government Cooperative Contract. The total cost for this service (the Solid Waste cost of serve/rate study and the heavy equipment replacement analysis) is $56,000.

FISCAL IMPACT:

The FY 2007-08 Adopted Budget for the Solid Waste Fund included $24,000 in funding specifically set aside for this study. However, sufficient funds are available in the Solid Waste Fund’s budget (recycling at $8,000, residential at $25,000, commercial at $15,000 and service center at $3,000) to fully fund Solid Waste’s portion of this contract. Because the heavy equipment replacement analysis includes both Solid Waste Fund and General Fund vehicles, $5,000 will be contributed by the General Fund (through the Non-Departmental Budget) to fully fund this contract.

The funds for these purchases are included in the revised FY 2007-08 Adopted Budget for Sanitation. These are budgeted expenditures.

STAFF RECOMMENDATION:

AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R W BECK FOR THE SOLID WASTE COST OF SERVICES STUDY AND HEAVY EQUIPMENT REPLACEMENT ANALYSIS, THROUGH THE HOUSTON GALVESTON AREA COUNCIL COOPERATIVE.
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: Interlocal Agreement with Sam Houston State University for a comprehensive computerized police information system

ORIGINATING DEPARTMENT: Police PRESENTER: Ron Everett

COUNCIL DATE: May 27, 2008 AGENDA #: 4B

AGENDA CAPTION:

APPROVAL TO AUTHORIZE THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH SAM HOUSTON STATE UNIVERSITY TO PROVIDE A STATE-OF-THE-ART COMPREHENSIVE POLICE INFORMATION SYSTEM.

RATIONALE:

The Police Department must migrate to a fully integrated and comprehensive police information system to ensure continued and enhanced public safety services. The proposed partnership with Sam Houston State University will meet the current and future needs of the Department and City while promoting outstanding customer service, supporting intelligence-led and community policing, improved management and accountability, and enhanced investigative resources. This agreement will provide sustained access to advancing technology, data sharing and continued software support.

Currently twenty-five Texas law enforcement agencies have partnered with Sam Houston State University and extensive review indicates that these partnerships have been successful for both the agencies and their communities.

FISCAL IMPACT:

Total annual Interlocal Agreement fee is $55,000. Funds are currently budgeted and available.

BOARD RECOMMENDATION:

STAFF RECOMMENDATION:

Approve authorization for the City Manager to execute the above Interlocal Agreement.
COUNCIL AGENDA ITEM

SUBJECT/MATTER/PROJECT: Ratification of Airport Standard Rates and Charges

ORIGINATING DEPARTMENT: Airport
PRESENTER: A. Spinks, Airport Director

COUNCIL DATE: ASAP
AGENDA #: Consent 4C

AGENDA CAPTION:


RATIONALE:
The 5% rate increase for 2007 and the 3.5% rate increase for 2008 were reflected in the approved Airport budgets, but were not specifically ratified by City Council. This action remedies that oversight.

FISCAL IMPACT:
None.

BOARD RECOMMENDATION:
Airport Advisory Board approved both rate changes unanimously

STAFF RECOMMENDATION:
To approve.
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: TAX RELIEF FOR 195 E COLL STREET, KNOWN AS THE CARL STOCK HOUSE

ORIGINATING DEPARTMENT: PLANNING PRESENTER: CHERISE BELL

COUNCIL DATE: MAY 27, 2008 AGENDA #: 4.D

AGENDA CAPTION:
APPROVAL OF THE FIRST READING OF AN ORDINANCE GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 195 E. COLL STREET, KNOWN AS THE CARL STOCK HOUSE, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

RATIONALE:
Rehabilitation of this house meets the requirements as set forth by the City's tax relief code, Article III, Section 66-57.

FISCAL IMPACT:
The following calculation is based on Comal Appraisal District information
City of New Braunfels 2007 Tax (pre rehab) $493
City of New Braunfels 2008 Tax (post rehab) $655
Estimated Tax relief $162 x 10 years = $1,620

Code: The new appraised value less the present property value shall be shown on the tax rolls as the new property value. However, said restorations shall not cause the value of the property to be less than the present value prior to completion of the work.

BOARD RECOMMENDATION:
Historic Landmark Commission approved unanimously on March 11, 2008.

STAFF RECOMMENDATION:
Staff recommends approval. The rehabilitation removed non-historic additions and restored this fachwerk settlement house following the criteria set forth by the Secretary of Interior Standards and the City's tax relief code.

U:\Planning\CCagenda\HistoricLandmarkComm\Tax Relief 195 E. Coll.agd.doc
APPLICATION FOR HISTORIC DESIGNATION

City of New Braunfels, Planning and Environmental Department
424 S. Casten Avenue, New Braunfels TX 78130 (830) 608-2115

1. Name of Landmark: CARL STOCK HOMESTEAD

2. Address of Landmark: 195 E Call Street, New Braunfels TX

3. Legal Description: See attached (Exhibit "A")

4. Owner Name: Jeff Mund and Denise Mund

5. Owner Address: 256 W Mill Street, New Braunfels TX

6. Contact phone numbers: 830-620-8834 (x 14) wk 830-606-2111 (Hm)

7. HISTORY: a brief history is required and should be attached to this application. The following information should be included, if known:
   - Original owner/builder/architect/bibliography and footnotes
   - Subsequent owners
   - Present owner
   - Original and subsequent uses of significance
   - Dates of the above
   - Any anecdotes concerning the landmark and/or its owners
   - Photographs if available
   - General description of the structure

8. I hereby request consideration of the above described structure/site as a historic landmark according to the provisions of the New Braunfels Historic Landmark Preservation Ordinance. I have read this Ordinance and fully understand its effect on my property. This application shall be considered as my written permission as owner of the above described property for historic designation by the New Braunfels City Council.

Owner Signature 2-22-08

FOR OFFICE USE ONLY

Application and $100 filing fee received by: CSell
Date: 2-22-08 Receipt No. 160385 Check No. 1713

RECOMMENDATIONS FOR APPROVAL

HISTORIC LANDMARK COMMISSION: Date: March 11, 2008

PLANNING COMMISSION: Date: April 1, 2008

Revised 4-14-05
ORDINANCE NO. 2008-

AN ORDINANCE GRANTING A TAX RELIEF TO THE OWNER OF THE DESIGNATED HISTORIC LANDMARK LOCATED AT 195 E. COLL STREET, KNOWN AS THE CARL STOCK HOUSE, FOR A PERIOD OF FIVE YEARS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the State of Texas has enacted legislation empowering municipalities to preserve and protect historic places, structures, buildings, and areas of historical and cultural importance and significance: and

WHEREAS, the City Council is aware of the numerous places, structures, buildings and areas having historical and cultural importance and significance which reflect the heritage of the City, State and its people, and is committed to promote and protect the heritage of New Braunfels for the future and;

WHEREAS, the City Council, on September 14, 1998, adopted an ordinance to provide a tax relief/incentive for the stabilization, rehabilitation and renovation of properties and/or structures designated as historic landmarks, by the City of New Braunfels:

WHEREAS, the property owner has met all the requirements set forth in the ordinance adopted September 14, 1998, and the application has been approved by the Historic Landmark Commission of the City of New Braunfels; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS:

SECTION 1

THAT the property owner of the designated historic structure located at 195 E. Coll Street, and known as the Carl Stock House, be granted the tax relief as outlined in Section 66-57.1, Historic Preservation, of the New Braunfels Code of Ordinances, City of New Braunfels, Texas.

SECTION 2

THAT should any paragraph, sentence, clause, phrase or word of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of this ordinance, and any portions in conflict are hereby repealed.

SECTION 3

THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

SECTION 4

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First reading this the 27th day of May, 2008.

PASSED AND APPROVED: Second reading this the 9th day of June, 2008.

CITY OF NEW BRAUNFELS

BY

R. BRUCE BOYER, Mayor
ATTEST:

MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:

ALAN C. WAYLAND, City Attorney
COUNCIL AGENDA ITEM

SUBJECT/PROJECT: ARTS COMMISSION RECOMMENDATIONS FOR 2008 HOT GRANTS

ORIGINATING DEPARTMENT: City Secretary's Office PRESENTER: Michael A. Resendez

COUNCIL DATE: May 27, 2008 AGENDA #: 4E

AGENDA CAPTION:
APPROVAL OF THE CITY OF NEW BRAUNFELS ARTS COMMISSION RECOMMENDATIONS FOR ALLOCATING GRANT AWARDS FROM HOTEL OCCUPANCY TAX TO VARIOUS ARTS ORGANIZATIONS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH THE AFOREMENTIONED ORGANIZATIONS FOR THE PURPOSE OF DISBURSEMENT AND USE OF FUNDING

RATIONALE:
The City Secretary's office distributed applications to interested arts organizations earlier this year and posted notice of the application process on the City's website, bulletin board, and local newspaper. The Arts Commission met on May 20, 2008, to review and consider the applications received.

FISCAL IMPACT:
The governing ordinance requires that 14.286% of the Hotel Occupancy Tax (HOT) be allocated to Arts and Heritage activities (divided equally between the two groups). Last year that amount was estimated at $280,000 based on previous calculations. Over the course of the year, the City received $302,000, which represented $22,000 over the projected estimate.

This year, the City is again projecting that 14.286% will be tantamount to $280,000. The overage that was collected last year ($22,000) was equally divided by each commission and was available for allocation in this funding process. Therefore, the Arts Commission was tasked with allocating $151,000 from the requests received.

Should HOT collections be higher this year than the estimate, the additional funds will again be made available to the Arts and Heritage groups for distribution in the following funding year.
### BOARD RECOMMENDATION:

<table>
<thead>
<tr>
<th>Organization</th>
<th>2007 Grant</th>
<th>2008 Request</th>
<th>2008 Commission Recommendation</th>
</tr>
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<tbody>
<tr>
<td>NB Arts League</td>
<td>14,400</td>
<td>15,000</td>
<td>13,300</td>
</tr>
<tr>
<td>Barbershop Harmony Society</td>
<td>6,500</td>
<td>9,400</td>
<td>3,100</td>
</tr>
<tr>
<td>Brauntex Performing Arts Theatre</td>
<td>19,500</td>
<td>33,775</td>
<td>25,300</td>
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<tr>
<td>Circle Arts Theatre</td>
<td>28,000</td>
<td>30,000</td>
<td>28,100</td>
</tr>
<tr>
<td>Comal Community Band of NB</td>
<td>2,300</td>
<td>2,500</td>
<td>2,200</td>
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<tr>
<td>NB Community Chorale</td>
<td>2,500</td>
<td>4,500</td>
<td>2,600</td>
</tr>
<tr>
<td>Compania de Danza Folklorica</td>
<td>2,300</td>
<td>2,700</td>
<td>2,500</td>
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<tr>
<td>Greater NB Arts Council</td>
<td>5,000</td>
<td>6,000</td>
<td>5,200</td>
</tr>
<tr>
<td>NB Gemischter Chor Harmonie (new applicant)</td>
<td></td>
<td>3,000</td>
<td>2,800</td>
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<tr>
<td>Mid Texas Symphony</td>
<td>25,000</td>
<td>27,000</td>
<td>25,300</td>
</tr>
<tr>
<td>Outdoor Gallery of Art of NB</td>
<td>12,000</td>
<td>35,000</td>
<td>18,600</td>
</tr>
<tr>
<td>NB Theatre Company</td>
<td>12,500</td>
<td>36,000</td>
<td>22,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$151,000</strong></td>
</tr>
</tbody>
</table>

### STAFF RECOMMENDATION:

Staff recommends that City Council approve the recommended allocations for the Arts organizations as listed in the above table.
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: Lenzen Trust donation to New Braunfels Public Library

ORIGINATING DEPARTMENT: Legal PRESENTER: Robert Camarena

COUNCIL DATE: May 27, 2008 AGENDA #: 4

AGENDA CAPTION:

APPROVAL OF A RESOLUTION FOR ACCEPTANCE OF A PROSPECTIVE GIFT OR DONATION TO THE CITY BY THE PAUL LENZEN IRREVOCABLE TRUST, AND AUTHORIZE PAYMENT TO THE NEW BRAUNFELS PUBLIC LIBRARY FOUNDATION.

RATIONALE:

The Paul and Dorothy Lenzen Irrevocable Trust designated the New Braunfels Public Library as a residuary beneficiary entitled to one-third of the assets of the trust. The other two beneficiaries have already returned the necessary correspondence for distribution. Once the City's documentation is received the trust will be liquidated and the proceeds distributed. The estimated amount to be distributed to the library is $30,000 to $35,000. The New Braunfels Public Library Foundation is a separate foundation that has as its sole purpose to promote and support the New Braunfels Public Library. The Foundation is a 501(c)(3) tax exempt entity. Placing the funds directly with the foundation will promote a public purpose and support the library into the future.

FISCAL IMPACT: $30,000 to $35,000

BOARD RECOMMENDATION: None.

STAFF RECOMMENDATION:

Approve the attached resolution authorizing that the proceeds of the Lenzen Trust be distributed to the New Braunfels Public Library Foundation.
RESOLUTION NO. 2008-

ACCEPTANCE OF A PROSPECTIVE GIFT OR DONATION TO THE CITY BY THE PAUL LENZEN IRREVOCABLE TRUST, AND AUTHORIZE PAYMENT TO THE NEW BRAUNFELS PUBLIC LIBRARY FOUNDATION.

WHEREAS, the City of New Braunfels, Texas owns and operates the New Braunfels Public Library; and

WHEREAS, the New Braunfels Public Library Foundation is a 501(c)(3) corporation with a sole stated purpose of promoting and supporting the New Braunfels Public Library; and

WHEREAS, Wells Fargo Bank as trustee has notified the City of New Braunfels, Texas that The New Braunfels Public Library is a residuary beneficiary entitled to one-third of the assets of the Paul and Dorothy Lenzen Irrevocable Trust; and

WHEREAS, the City of New Braunfels, Texas City Council desires that the proceeds of the Lenzen Trust be distributed directly to the New Braunfels Public Library Foundation; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

THAT the City of New Braunfels, Texas authorizes Wells Fargo Bank, as trustee of the Paul and Dorothy Lenzen Irrevocable Trust to distribute one-third of the trust assets designated to the New Braunfels Public Library to the New Braunfels Public Library Foundation as directed by the New Braunfels Public Library Foundation. The City Manager is also authorized to execute any additional documents as necessary for the distribution of the assets.

PASSED AND APPROVED this 27th day of May, 2008.

CITY OF NEW BRAUNFELS, TEXAS

By: ______________________________
    R. Bruce Boyer, Mayor

ATTEST:

______________________________
Michael Resendez, City Secretary
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: AWARD OF PURCHASE WITH CINGULAR WIRELESS LLC

ORIGINATING DEPARTMENT: Finance PRESENTER: Mary Quinones

COUNCIL DATE: May 27, 2008 AGENDA #: 4G

AGENDA CAPTION:
AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A ONE-YEAR EXTENSION OF THE CONTRACT WITH AT&T WIRELESS (FORMERLY CINGULAR WIRELESS LLC) FOR CELLULAR TELEPHONE AND AIRCARD SERVICES UNDER THE STATE OF TEXAS CONTRACT

RATIONALE:
The City currently has a contract with AT&T Wireless (AT&T) (formerly Cingular Wireless LLC) for cellular telephone services. This contract expires May 30, 2008. Staff is recommending a one year extension of the existing contract (under the State of Texas contract with AT&T). This is the second, one year extension of this contract. Staff is satisfied with the service provided by AT&T and that their pricing remains competitive.

As is currently the case, the City purchases pooled anytime minutes, has no roaming or long distance charges, and has unlimited nights (after 9:00 p.m.) and weekend minutes. In addition, this contract includes free mobile-to-mobile minutes, meaning all calls between City phones as well as any other AT&T customers do not count against the anytime minutes purchased. The City charges employees the cost of personal phone calls if the total minutes used exceed the total pooled minutes purchased. The contract will also continue the phone service for a few lines where the City pays nothing unless minutes are actually used. These phones are reserved for special, emergency use.

FISCAL IMPACT:
The costs associated with this service are included in the FY 2007-08 Adopted Budgets for individual departments. The estimated annual cost of the contract with Cingular Wireless for cellular telephone and air card services is $60,000.

BOARD RECOMMENDATION:
NA

STAFF RECOMMENDATION:
AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A ONE-YEAR EXTENSION OF THE CONTRACT WITH AT&T WIRELESS (FORMERLY CINGULAR WIRELESS LLC) FOR CELLULAR TELEPHONE AND AIRCARD SERVICES UNDER THE STATE OF TEXAS CONTRACT.
AGENDA CAPTION:
PUBLIC HEARING AND FIRST READING OF AN ORDINANCE REZONING LOTS 1A AND 1C BEATRICE KNOX SUBDIVISION, AND LOTS 1 AND 2, NAZARENE SUBDIVISION, FROM "M-1A(R61) LIGHT INDUSTRIAL DISTRICT (WITH RESTRICTIONS)" "R-2 SINGLE AND TWO FAMILY DISTRICT" AND "C-3 COMMERCIAL DISTRICT" TO "C-1B GENERAL BUSINESS DISTRICT".

APPLICANT/OWNER:
Applicant: Andrew Guerrero
7300 Blanco Rd.
Suite 701
San Antonio, TX 78216

Owners: NBI Enterprises and Bluebonnet Baptist Association

BACKGROUND:
The property is located between IH 35 and Business IH 35 in the 1400 block. Bluebonnet Baptist Association owns the piece fronting Business IH 35 and NBI Enterprises owns the remaining property. In 2006, 4.68 acres of the property was rezoned from R-2 and M-1 to "M-1(r61) Light Industrial District". The zoning was restricted to land uses permitted in the C-1A, C-1B, C-2A and C-4B districts, with a minimum side setback of 18' adjacent to the residential properties on Skyview Avenue and with a height limitation of 45'. The zone change occurred under the previous zoning ordinance, when there was no height limitation for the commercial or industrial districts and prior to the minimum 20' residential setback.

The applicant is proposing to include the remaining contiguous piece of property, owned by the Bluebonnet Baptist Association, as part of the zone change. In addition, the purpose of the zone change from M-1A(r61), is to remove the height restriction of 45'. The C-1B district allows for a height maximum of 75' The residential setback requirement does apply in the C-1B district (minimum of 20' plus one additional foot for every foot in height of the building over 20').

GENERAL INFORMATION:
Case #: PZ05/08-1
Size: 154.525 acres (6,731,109 sq ft)

Surrounding Zoning and Land Use:
North - "R-2 Single & Two-Family District" & "C-3 Commercial District" / Single-Family and Institutional
South - "R-2 Single & Two-Family District" / Single-Family
East - "M-1 Light Industrial District" / Commercial, Industrial, Institutional
West - "R-2 Single & Two-Family District" / Single-Family

Comprehensive Plan Future Land Use Designation: Commercial
NOTIFICATION:
26 notices were sent to property owners located in the study area and within 200 feet of the property.
Two responses were received in objection from #s 17 and 21. No responses were returned in favor.

COMMISSION RECOMMENDATION:
The Planning Commission held a public hearing on May 6, 2008, and recommended approval by a vote of 7-0-0.

STAFF RECOMMENDATION:
Staff recommended approval.

PLANNING COMMISSIONERS AT THE HEARING:
1. Cheryl Casteel
2. O. Daniel Castillo
3. Fred Heimer
4. Richard LaRochelle
5. Sandy Nolte
6. Randy Vanstory, Vice Chairman
7. Mike Ybarra, Chairman

PROS AND CONS BASED ON THE POLICIES FROM THE 2006 COMPREHENSIVE PLAN:

Pros: Goal 1A
Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live. The proposed zone change will allow for compatible and mixed uses that will service the immediate area.
Complies with the Comprehensive Future Land Use Plan.

Cons: None

ATTACHMENTS:
1. Excerpt from Planning Commission minutes of May 6, 2008.
2. Zoning/Land Use map
3. Aerial
4. Notification Map
EXCERPT FROM PLANNING COMMISSION MINUTES OF MAY 6, 2008

PUBLIC HEARINGS
Hold a public hearing and make a recommendation to City Council regarding Case #PZ05/08-1, the proposed rezoning of Lots 1 A and 1C, Beatrice Knox Subdivision, and Lots 1 and 2, Nazarene Subdivision, from “M-1A(r61) Light Industrial District (with restrictions),” “R-2 Single and Two Family District” and “C-3 Commercial District” to “C-1B General Business District.” (NBI Enterprises)

Mr. Green explained that 4.68 acres of the property was rezoned from R-2 and M-1 to “M-1A(r61) Light Industrial District” in 2006, with uses restricted to C-1A, C-1B, C-2A and C-4B districts, with a minimum side setback of 18’ adjacent to the residential properties on Skyview Ave. and with a height limitation of 45’. He said the applicant was proposing to include the remaining contiguous piece of property as part of the zone change. In addition, the purpose of the zone change was to remove the height restriction of 45’ and replace it with the standard in the C-1B district, which was a maximum of 75’. He said 26 notices were sent to property owners within 200 ft. of the subject property; no responses were received in favor of the rezoning and two were received in opposition (#17 and 21) Mr. Greene said staff recommended approval of the rezoning.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in favor of the rezoning.

Andrew Guerrero, 3134 Brinker, San Antonio, spoke on behalf of the applicant, Chintan Patel. He said the developer proposed to construct a four-story, 89-room Fairfield Inn and Suites, which required the front façade to be 60 ft. in height. He then explained that the existing zoning required a 60 ft. setback from the residences on Skyview Avenue with a 45 ft. height. He said the proposed zoning would allow a 180 ft. setback with a 60 ft. high building. He added that a 6 ft. to 8 ft. solid screening fence and required landscaping would be maintained along the common boundary with the residential area.

Chairman Ybarra said he had heard there were plans for a second hotel on the property.

Chintan Patel, 7300 Blanco Road, San Antonio, said that plans for a second hotel, also a Marriott brand, were currently on hold.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in opposition to the rezoning.

Maria Dennis, 283 Skyview, said her concern related to the potential noise, especially on weekends when tourists used the hotel. She asked whether the City had any plans to rezone the area she lived in to commercial.

Vice Chairman Vanstory explained that such rezonings were not usually initiated by the City but by the property owners.

Motion by Commissioner Heimer, seconded by Commissioner Nolte, to close the public hearing. The motion carried unanimously. (7-0-0)

Motion by Commissioner Heimer, seconded by Vice Chairman Vanstory, that Case #PZ05/08-1, the proposed rezoning of Lots 1 A and 1C, Beatrice Knox Subdivision, and Lots 1 and 2, Nazarene Subdivision, from “M-1A(r61) Light Industrial District (with restrictions),” “R-2 Single and Two Family District” and “C-3 Commercial District” to “C-1B General Business District”, be forwarded to City Council with a recommendation to approve.

Commissioner Casteel asked if the notice sent to adjacent property owners included the new height limit. Mr. Greene stated that it did not, however, the applicant sent a separate letter to property owners on both sides of Skyview Avenue which included a reference to a 60 ft. height limit.

Chairman Ybarra asked the applicant if he would have a problem postponing the case another 30 days to allow the City to send out revised letters that included the change in maximum height. Vice Chairman Vanstory suggested setting a 60 ft. height limit as part of the Commission’s recommendation. Mr. Patel said that Marriott’s façade designs could be slightly higher than 60 ft.

Mr. Kinsey reminded the Commission Members of the direction from the City Attorney’s office asking that no additional restrictions be placed on an applicant. He added that the City sent standard notices to the public for rezoning cases and not did tailor each individually.

The motion carried unanimously. (7-0-0)
PLANNING COMMISSION – MAY 6, 2008  6:30PM
New Braunfels Municipal Building, Council Chambers

Applicant:  NBI Enterprises
Address/Location:  Lots 1A & 1C, Beatrice Knox Subdivision and Lots 1 & 2, Nazarene Subdivision, located between IH 35 and Business IH 35 in the 1400 Block
Owner(s):  NBI Enterprises, Inc. & San Marcos Baptist Association

REQUEST FOR REZONING – CASE #PZ08/08-1

The circled numbers on the map correspond to the property owners listed below. All information is from the Comal Appraisal District Records. “Z” indicates common ownership of properties. The property under consideration is marked as “SUBJECT”.

1. Comal ISD
2. Hawkins, Robert & Deborah
3. Ivy B Schlichting Prop I Ltd
4. Edwards, Aja
5. Phillips, Jean
6. Lopez, Olga
7. Baddock, Sandra
8. Krause, Georgine
9. Corona, Joseph & Maria Corona
10. Simon, Alice A Living Trust
11. Massa Properties LLC
12. Crabill, Donna Mondin Etal
13. Durbin, Neal
14. Esqueda, Frank & Carol
15. Dennis, Maria & Anthony Klonaris
16. Collins, Kevin & Linda
17. Nordan Trust Etal
18. Iley, Belinda
19. Sotelo, Ramiro & Jaqueline
20. Wood, B R Jr. & Charlotte
21. Luehlffing, Ewald & Loretta
22. Hurst, Michael
23. Supulver, Teresa Lynn
25. Infiniti Hotel Group, LLC
26. Lindsey Interest LP

SEE MAP ON REVERSE

ATTACHMENT 4
ORDINANCE NO. 2008:

AN ORDINANCE REZONING LOTS 1A AND 1C BEATRICE KNOX SUBDIVISION, AND LOTS 1 AND 2, NAZARENE SUBDIVISION, FROM "M-1A(R61) LIGHT INDUSTRIAL DISTRICT (WITH RESTRICTIONS)", "R-2 SINGLE AND TWO FAMILY DISTRICT" AND "C-3 COMMERCIAL DISTRICT" TO "C-1B GENERAL BUSINESS DISTRICT".

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of the "C-1B General Business District", the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by changing Lots 1A and 1C, Beatrice Knox Subdivision, and Lots 1 and 2, Nazarene Subdivision, from "M-1A(R61) Light Industrial District (with restrictions)", "R-2 Single and Two-Family District" and "C-3 Commercial District" to "C-1B General Business District"; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS:

SECTION 1

THAT Sections 1.2-1 and 1.2-2, Chapter 144, of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are amended by changing the following described tract of land from "M-1A(R61) Light Industrial District (with restrictions)", (R-2 Single and Two-Family District" and "C-3 Commercial District" to "C-1B General Business District";

"Lots 1A and 1C Beatrice Knox Subdivision, and Lots 1 and 2 Nazarene Subdivision, as delineated and described on Exhibit "A".

SECTION 2

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4
THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 27th day of May, 2008.

PASSED AND APPROVED: Second and Final Reading this the 9th day of June, 2008.

CITY OF NEW BRAUNFELS

ATTEST:

MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:

ALAN C. WAYLAND, City Attorney

R. BRUCE BOYER, Mayor
3.4-13. "C-1 B" general business district.

Purpose. The general business district is established to provide areas for a broad range of office and retail uses. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate high traffic volumes generated by general retail uses. The following regulations shall apply in all "C-1 B" districts:

(a) Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

   (1) Uses permitted by right:

   **Residential uses:**
   - Accessory building/structure
   - Assisted living facility/retirement home
   - Bed and breakfast inn

   **Non-residential uses:**
   - Accounting, auditing, bookkeeping, and tax preparations
   - Adult day care (no overnight stay)
   - Adult day care (with overnight stay)
   - All terrain vehicle (ATV) dealer / sales
   - Ambulance service (private)
   - Amphitheater
   - Amusement devices/arcade (four or more devices)
   - Amusement services or venues (indoors)
   - Amusement services or venues (outdoors)
   - Animal grooming shop
   - Answering and message services
   - Antique shop
   - Appliance repair
   - Armed services recruiting center
   - Art dealer / gallery
   - Artist or artisan's studio
   - Assembly/exhibition hall or areas
   - Athletic fields
   - Auction sales (non-vehicle)
   - Auto body repair, garages (see Sec. 5.10)
   - Auto glass repair/tinting (see Sec. 5.10)
   - Auto interior shop / upholstery (see Sec. 5.10)
   - Auto leasing
   - Auto muffler shop (see Sec. 5.10)
   - Auto or trailer sales rooms or yards (see Sec. 5.11)
   - Auto or truck sales rooms or yards - primarily new (see Sec. 5.11)
   - Auto paint shop (see Sec. 5.10)
   - Auto repair as an accessory use to retail sales (see Sec. 5.10)
   - Auto repair garage (general) (see Sec. 5.10)
   - Auto supply store for new and factory rebuilt parts
   - Auto tire repair /sales (indoor)

   **Community home** (see definition)
   - Hospice

   **Automobile driving school** (including defensive driving)
   - Bakery (retail)
   - Bank, savings and loan, or credit
   - Barber/beauty college (barber or cosmetology school or college)
   - Barber/beauty shop, haircutting (non-college)
   - Barns and farm equipment storage (related to agricultural uses)
   - Battery station
   - Bicycle sales and/or repair
   - Billiard / pool facility
   - Bingo facility
   - Bio-medical facilities
   - Book binding
   - Book store
   - Bowling alley/center (see Sec. 5.12)
   - Broadcast station (with tower) (see Sec. 5.6)
   - Bus barns or lots
   - Bus passenger stations
   - Cafeteria / café / delicatessen
   - Campers' supplies
   - Car wash (self service; automated)
   - Car wash, full service (detail shop)
   - Carpenter, cabinet, or pattern shops
   - Carpet cleaning establishments
   - Caterer
   - Cemetery and/or mausoleum
   - Check cashing service
   - Child day care/children's nursery (business)
   - Church/place of religious Assembly
   - Civic/conference center and facilities
   - Cleaning, pressing and dyeing (non-explosive fluids used)
   - Clinic (dental)
   - Clinic (emergency care)
   - Clinic (medical)
   - Club (private)
Coffee shop
Commercial amusement concessions and facilities
Communication equipment - installation and/or repair
Computer and electronic sales
Computer repair
Confectionery store (retail)
Consignment shop
Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.9)
Convenience store with gas sales
Convenience store without gas sales
Country club (private)
Credit agency
Curio shops
Custom work shops
Dance hall / dancing facility (see Sec. 5.12)
Day camp
Department store
Drapery shop / blind shop
Driving range
Drug sales/pharmacy
Electrical repair shop
Electrical substation
Exterminator service
Farmers market (produce market - wholesale)
Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.8)
Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.8)
Feed and grain store
Filling station (gasoline tanks must be below the ground)
Florist
Food or grocery store with gasoline sales
Food or grocery store without gasoline sales
Fraternal organization/civic club (private club)
Frozen food storage for individual or family use
Funeral home/mortuary
Furniture sales (indoor)
Garden shops and greenhouses
Golf course (public or private)
Golf course (miniature)
Governmental building or use (state/federally owned and operated)
Greenhouse
Handicraft shop
Hardware store
Health club (physical fitness: indoors only)
Heavy load (farm) vehicle sales/repair (see Sec. 5.13)
Home repair and yard equipment retail and rental outlets
Hospital, general (acute care/chronic care)
Hospital, rehabilitation
Hotel/motel
Hotels/motels - extended stay (residence hotels)
Ice delivery stations (for storage and sale of ice at retail only)
Kiosk (providing a retail service)
Laundromat and laundry pickup stations
Laundry, commercial (w/o self serve)
Laundry/dry cleaning (drop off/pick up)
Laundry/washateria (self serve)
Lawnmower sales and/or repair
Limousine / taxi service
Locksmith
Maintenance/Janitorial service
Major appliance sales (indoor)
Martial arts school
Medical supplies and equipment
Micro brewery (onsite manufacturing and sales)
Mini-warehouse/self storage units with outside boat and RV storage
Mini-warehouse/self storage units (no outside boat and RV storage permitted)
Motion picture studio, commercial film
Motion picture theater (indoors)
Motion picture theater (outdoors, drive-in)
Motorcycle dealer (primarily new / repair)
Moving storage company
Municipal use owned or operated by the City of New Braunfels, including libraries
Museum
Needlework shop
Nursing/convalescent home/sanitarium
Offices, brokerage services
Offices, business or professional
Offices, computer programming and data processing
Offices, consulting
Offices, engineering, architecture, surveying or similar
Offices, health services
Offices, insurance agency
Offices, legal services - including court reporting
Offices, medical offices
Offices, real estate
Offices, security/commodity brokers, dealers, exchanges and financial services
Park and/or playground (public or private)
Parking lots (for passenger car only) (not as incidental to the main use)
Parking structure / public garage
Pawn shop
Personal watercraft sales (primarily new / repair)
Pet shop / supplies (10,000 sq. ft. or less)
Pet store (more than 10,000 sq. ft.)
Photographic printing/duplicating/copy shop or printing shop
Photographic studio (no sale of cameras or supplies)
Photographic supply
Plant nursery
Plant nursery (retail sales / outdoor storage)
Plumbing shop
Portable building sales
Public recreation/services building for public park/playground areas
Publishing/printing company (e.g., newspaper)
Quick lube/oil change/inspection
Radio/television shop, electronics, computer repair
Recreation buildings (private)
Recreation buildings (public)
Recycling kiosk
Refreshment/beverage stand
Research lab (non-hazardous)
Restaurant
Restaurant/prepared food sales
Retail store and shopping center (more than 50,000 sq. ft. bldg.)
Retail store and shopping center without drive thru service (50,000 sq. ft. bldg. or more)
Retirement home/home for the aged
RV park
RV/travel trailer sales
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company
Security systems installation company (with outside storage)
Shoe repair shops
Shooting gallery - indoor (see Sec. 5.12)
Shopping center
Sign manufacturing/painting plant
Specialty shops in support of project guests and tourists
Storage – exterior storage for boats and RVs
Studio for radio or television (without tower)
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
Tailor shop
Tattoo or body piercing studio
Taxidermist
Telemarketing agency
Telephone exchange buildings (office only)
Tennis court (commercial)
Theater (non-motion picture; live drama)
Tire sales (outdoors)
Tool rental
Tourist court
Travel agency
Truck garden (no retail sales)
University or college (public or private)
Upholstery shop (non-auto)
Used or second hand merchandise/furniture store
Vacuum cleaner sales and repair
Veterinary hospital (no outside animal runs or kennels)
Video rental / sales
Waterfront amusement facilities – swimming / wading pools / bathhouses
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
Wholesale sales offices and sample rooms
Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein.

(2) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) Maximum height, minimum area and setback requirements:

(1) Height. 75 feet.

(2) Front building setback. 25 feet.

(3) Side building setback. No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in any residential zone, a side building setback of not less than six feet shall be provided.

(4) Corner lots. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent
to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.

Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

(5) Residential setback. Effective November 8, 2006, where any building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(6) Rear building setback. 20 feet.

(7) Width of lot. 60 feet.

(8) Lot depth. 100 feet.

(9) Parking. See Section 5.1 for permitted uses' parking.
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: Special Use Permit Amendment at 1704 Gruene Rd.

ORIGINATING DEPARTMENT: Planning PRESENTER: Robert Kinsey

COUNCIL DATE: May 27, 2008 AGENDA #: 5 B

AGENDA CAPTION: PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING AN EXISTING SPECIAL USE PERMIT TO ALLOW TWO STRUCTURES TO BE USED FOR SHORT TERM RENTAL OR OCCUPANCY AND ONE STRUCTURE TO BE USED AS A PERSONAL RESIDENCE IN THE “R-3L MULTIFAMILY LOW DENSITY DISTRICT”, LOCATED AT 1704 GRUENE ROAD.

APPLICANT/OWNERS:
Applicant/owner: Pam and Bill Magee
115 Colma St.
Seguin, TX 78155

BACKGROUND:
A zoning change and Special Use Permit were approved on this 3.22 acre tract approximately one year ago. At that time, zoning of at least R-3L plus an SUP were required for short term rentals. (Recent changes to the zoning ordinance removed the rezoning requirement.)

The existing Special Use Permit authorized one short term rental unit. The applicants indicated future plans to build their personal residence on the property, and were advised that an amendment to the SUP would be required to do that. They are now ready to build their residence, and eventually add a second short term rental. Three dwelling units on the property is in conformance with the R-3L multifamily zoning.

The ordinance currently allows a maximum 4 square foot sign for short term rental properties. However, an 8 square foot sign was approved with the original Special Use Permit, and that sign will remain. Photographs of the sign and other improvements made in the past year are attached.

GENERAL INFORMATION:
Case #: PZ05/08-2
Size: 3.22 acres

Surrounding Zoning and Land Use:
North - Out of City Limits/open
South - “R-2 Single and Two Family”/open
East - “R-2 Single and Two Family District”/single family large lot home
West - “R-2 Single and Two Family District”/open

Comprehensive Plan Future Land Use Designation: Commercial

NOTIFICATION:
4 notices were sent to property owners located within 200 feet of the property in question. The owner of two properties (#1 and #2) responded in support of the request.
COMMISSION RECOMMENDATION:
The Planning and Zoning Commission held a public hearing on May 6, 2006, and voted 7-0-0 to recommend approval of the request with staff recommendations.

STAFF RECOMMENDATION:
Staff recommends approval with the following conditions.
- Parking to be provided as follows:
  - Single-family residence: 2 spaces;
  - Rental units: one space per bedroom with a minimum of 2 spaces.

PLANNING COMMISSIONERS AT THE HEARING:
Mike Ybarra, Chairman
Cheryl Casteel
O. Daniel Castillo
Fred Heimer
Richard LaRochelle
Sandy Nolte
Randy Vanstory, Vice Chairman

PROS AND CONS BASED ON THE POLICIES FROM THE 2006 COMPREHENSIVE PLAN:
Pros:
- **Goal 1 Objective A:** Evaluate proposed zone changes to maintain land use compatibility, as well as the integration of mixed land uses as a component of achieving better places to live.
  
  Short term rental is consistent with recently approved zoning requests and is practical for the commercial resort use of the Gruene Rd. area.

- **Goal 2 Objective B:** Enable residents to live within walking or a short commuting distance from their work, school and shopping.
  - **Objective D:** Approve rezonings that provide for a mix of land uses.
  
  Allowing the applicants to construct their residence on the property will reduce their number of vehicle trips and will provide on-site management for the rental units.

- **Goal 3 Objective A:** Encourage designs that provide for the preservation and protection of open space and natural resources and minimize disturbance of native vegetation.
  
  The construction of short term rental cabins will require a minimal amount of tree removal and vegetation disturbance.

Cons:
- **Goal 25 Objective B 7** Sidewalks should be added to pre-existing roadways in high pedestrian and vehicle usage areas (commercial areas, school areas, park access areas). Also add crosswalks and appropriate traffic control devices where warranted.

  Gruene Rd. is currently a rural-type road with no sidewalks. Although the subject property is within walking distance of many attractions, pedestrian activity is in conflict with traffic flow along Gruene Road.

ATTACHMENTS:
1. Notification map
2. Land Use and Zoning Maps
3. Aerial Map
4. Site Plan
5. Application
6. Photographs of property
7. Sections 3.6 and 5.16, Chapter 144, New Braunfels Code of Ordinances
8. Excerpt from Planning Commission minutes of March 6, 2007
REQUEST FOR AMENDED SPECIAL USE PERMIT – CASE #PZ05/08-2

The circled numbers on the map correspond to the property owners listed below. All information is from the Comal Appraisal District Records. "Z" indicates common ownership of properties. The property under consideration is marked as "SUBJECT".

1. Hanz, Linda Welderoth
2. Hodges, F. and Preiss, S.
3. Schutz, Bob Ewald
5. Nye, Larry and Susan
6. (Outside City Limits)

SEE MAP ON REVERSE
Case # PZ05/08-2
1704 Gruene Road
May 6, 2008
Subject Property

New Braunfels City Limits

Legend

\[ \begin{array}{c}
\text{\textbullet~Subject Property} \\
\text{\textbullet~New Braunfels City Limits} \\
\text{\textbullet~Residential Low Density} \\
\text{\textbullet~Commercial} \\
\text{\textbullet~Open Space}
\end{array} \]

Case # PZ05/08-2
1704 Gruene Road
May 6, 2008
Subject Property
Map
Legend
- Subject Property
- Zoning Districts

Case # PZ05/08-2
1704 Gruene Road
May 6, 2008

Revised 4/14/08
Case # PZ05/08-2
1704 Gruene Road
May 6, 2008

Legend

Subject Property
New Braunfels City Limits

Aerial map

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1704 Gruene Road
May 6, 2008

Legend

Subject Property
New Braunfels City Limits

Aerial map
Basis of bearing - Geodetic North, based on GPS
Observations taken on the ground.

Reference resurvey to Cornal Power Co. recorded in Vol. 19, Pg. 497.

Reference field notes dated May 23, 2003, of this 3.216 acre tract.

Except as shown, this Surveyor has not conducted a Field search to
depict other matters of record such as easements, restrictions, or
other encumbrances that may or may not affect this property.

3.216 ACRES

CALLED 1.277 ACRES
DOC 200406000743

3.216 ACRES

GRIENE ROAD

Being a 3.216 acre tract of land situated
in the J. M. Veramendi's Two League Survey
No. 1, Abstract No. 2, Cornal County, Texas,
being the same tract of land called 3.226
acres described in Volume 205, Page 339
of the Real Records of Cornal County, Texas.

This survey is certified to:
Jabbar Aly, 115 S. Main St., Bryan, Texas
P.O. Box 20879, Bryan, Texas 77804-0879
409-722-1450

GRIENE ROAD

ATTACHMENT 4
APPLICATION FOR ZONING CHANGE / SPECIAL USE PERMIT
City of New Braunfels, Planning and Community Development
424 S. Castell Avenue, New Braunfels TX 78130 (830) 221-4050

1. Applicant - If owner(s), so state; if agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

   Name: Pam & Bill Magee

   Mailing Address: 115 Columbia St. Seguin, TX 78155

   Telephone: (830) 585-1111 Fax (830) 594-3749 Mobile: 

   Email: Pmag@videomail.com

2. Property Address/Location: 1744 Claude Rd. New Braunfels, TX 78130

3. Legal Description:

   Name of Subdivision: J.M. Vermillion

   Lot(s): No. 1 Block(s): District No. 2 Acreage: 3.23 Acres

4. Existing Use of Property: R-3 MULTIFAMILY LOW DENSITY DISTRICT & SPECIAL USE PERMIT

5. Proposed Use of Property (attach additional or supporting information if necessary):

   HOMESTEAD & 2 SLUMP RENTALS

   SPECIAL USE PERMIT


For "PDD Planned Development District", please circle whether it is a Concept Plan or a Detail Plan.

Reason for request (please explain in detail and attach additional pages if needed):

I WOULD LIKE TO BUILD OUR PERSONAL HOME ON THIS PROPERTY. ADDITIONAL SHORT TERM HOUSE

7. ATTACHMENTS:

   ✓ Metes and bounds description or survey and map if property is not platted.

   ✓ Location in 100-year floodplain: Please provide a map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number. (Current floodplain maps are those most recently adopted by the City Council.)

   ✓ Map of property in relation to City limits/major roadways or surrounding area.

   ✓ If requesting a Special Use Permit, applicant must attach a development/site plan and construction schedule as described on page 2 of this application.

   ✓ If requesting a Planned Development (PD), applicant must provide development standards on the detail plan and/or provide the standards in a separate document as described in the Zoning Ordinance, Section 15A. Provide 14 copies of the 1:200 for distribution with 4 copies of 1:200 and one legible 11x17 of the revisions.

   The undersigned hereby requests rezoning of the above described property as indicated.

Signature of Owner(s)/Agent: Bill Magee

Date: 4/10/108

For Office Use Only

Fee Received By: Massie Amount 680.00 Receipt No.: 160400

Date Received: 4/2/08 Zoning signs issued: Date: No. 

Cash/Check Number: 1216 Case Number: P205/08-2

Driveway last year (right) and today, relocated with added landscaping (far right).

Rental cabin last year, prior to renovations (far left) and today (left).

Existing sign will remain.
3.6 Special Use Permits.

3.6-1 Compatible and orderly development. A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.

3.6-2. Application processing. Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

Types of Special Use Permit:

Type 1. Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 Special Use Permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.

Type 2. Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress.

3.6-3. Standards. When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:

(a) Comprehensive plan consistency. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;

(b) Zoning district consistency. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.

(c) Supplemental Standards. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;

(d) Character and integrity. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.

A Type 2 Special Use Permit may include improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

(1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;

(2) Off-street parking and loading areas;

(3) Refuse and service areas;

(4) Utilities with reference to location, availability, and compatibility;

(5) Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses.
(6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

(7) Required yards and open space;

(8) Height and bulk of structures;

(9) Hours of operation;

(10) Paving of streets, alleys, and sidewalks;

(11) Provisions for drainage;

(12) Exterior construction material and building design; and

(13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

(e) Public health, safety, convenience and welfare. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

3.6-4 Procedures for special use permit (SUP). Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).

3.6-5. Revocation. The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:

(a) Construction is not begun within five years of the date of approval of the permit.

(b) Progress toward completion is not being made. Progress toward completion includes the following:

(1) An application for a final plat is submitted;

(2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;

(3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;

(4) Security is posted with the city to ensure performance of an obligation required by the city; or

(5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.
5.16. Short term rental or occupancy in one and two unit dwellings.

(a) Occupancy of a one or two unit dwelling for less than 30 consecutive days in any zoning district except C-4, C-4A, C-4B, C-2, and C-2A is not permitted except by special use permit and is subject to the following requirements:

   (1) Parking. There shall be at least one off-street parking space, not including the garage, for each bedroom in the dwelling.

   (2) Signs. A maximum 4 square foot advertising sign is permitted on the property to be used for short term occupancy.

(b) Occupancy of a unit of a one or two unit dwelling by more than five persons not a family and not related by blood, marriage, or guardianship is not permitted in the R-1, R-2, R-3, C-1, C-3, M-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-3L, R-3H, MU-A, or MU-B zoning districts.

(c) A building constructed as a one or two unit dwelling may not be used as a lodging or boarding house with occupancy by one or more persons for less than 30 days in the R-1, R-2, R-3, C-1, C-3, M-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-3L, R-3H, MU-A, or MU-B.

(d) Registration. Owners of property or their agents shall register and receive a certification of legal non-conforming rights ("Certificate") to continue to use a one or two family dwelling which is not in conformance with Section 5.16(a), above.

   (1) Registration and requests for the certificate shall be made to the Planning Director on forms provided by his office.

   (2) The Planning Director shall issue a certificate if he finds, after consultation with the City Attorney, the property was legally conforming to the zoning ordinance at the time the short-term rental or multiple household occupancy began.

   (3) The burden of proof of legal non-conforming rights is on the applicant/registrant.

   (4) Appeal of a denial of the certification may be made to the Zoning Board of Adjustment in accordance with the appeal process in this Chapter.
EXEMPLARY OF PLANNING COMMISSION MINUTES OF MAY 6, 2008

PUBLIC HEARINGS
Hold a public hearing and make a recommendation to City Council regarding Case #PZ05/08-2, the proposed amendment to an existing Special Use Permit to allow two structures to be used for short term rental or occupancy and one structure to be used as a personal residence in the “R-3L Multifamily Low Density District” located at 1704 Gruene Road. (Pam and Bill Magee)

Ms. Mullins stated that the Special Use Permit granted in 2007 allowed one short term rental unit; however, the applicants now proposed building their personal residence on the property, with the potential of adding a second short term rental in the future. She said four notices were sent to property owners within 200 feet of the subject property; two responses were received in favor of the amendment (#1 and 2) and none were received in opposition. She said staff recommended approval, with the following two conditions related to parking: 1) two parking spaces for the single family residence; and 2) one parking space per bedroom, minimum of two spaces, for rental units.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in favor of the Special Use Permit.

Pam Magee, 115 Colima Street, Seguin, said the property had been considerably improved. She explained that the new structure would carry the theme of Gruene in that it would look rustic and historical.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in opposition to the Special Use Permit. No one spoke.

Motion by Commissioner Nolte, seconded by Commissioner LaRochelle, to close the public hearing. The motion carried unanimously. (7-0-0)

Motion by Vice Chairman Vanstory, seconded by Commissioner Nolte, that Case #PZ05/08-2, the proposed amendment to an existing Special Use Permit to allow two structures to be used for short term rental or occupancy and one structure to be used as a personal residence in the “R-3L Multifamily Low Density District” located at 1704 Gruene Road, with a recommendation to approve, subject to staff’s recommendation. The motion carried unanimously. (7-0-0)
ORDINANCE NO. 2008-

AN ORDINANCE AMENDING AN EXISTING SPECIAL USE PERMIT TO ALLOW TWO STRUCTURES TO BE USED FOR SHORT TERM RENTAL OR OCCUPANCY AND ONE STRUCTURE TO BE USED AS A PERSONAL RESIDENCE IN THE "R-3L MULTIFAMILY LOW DENSITY DISTRICT", LOCATED AT 1704 GRUENE ROAD.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district; and

WHEREAS, the City Council desires to grant a Special Use Permit at 1704 Gruene Road to allow two structures to be used for short term rental or occupancy and one structure to be used as a personal residence; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS:

I.

THAT Section 1.2, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by amending the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being 3.22 acres located at 1704 Gruene Rd. as shown on Exhibit "A".

II.

THAT the property may be used under the following conditions which are hereby made as part of this ordinance:

1. Two structures may be used for daily/weekly rental facilities. One structure will be used as a single-family residence. There shall be no additional buildings without an amendment to the Special Use Permit. The site plan Exhibit "A" is adopted as part of this ordinance.

2. Parking shall be provided as follows:
Single-family residence – two spaces: 
Short-term rental units – one space per bedroom with a minimum of two spaces.

III.

THAT the Zoning Maps of the City of New Braunfels be amended to indicate the previously described change.

IV.

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

V.

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

VI.

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

VII.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 27th day of May, 2008.

PASSED AND APPROVED: Second and Final Reading this the 9th day of June, 2008.

CITY OF NEW BRAUNFELS

R. BRUCE BOYER, Mayor

ATTEST:

MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:

ALAN WAYLAND, City Attorney
Being a 3.216 acre tract of land situated in the J. M. Yarnolds, Two League Survey No. 1, Abstract No. 2, Comal County, Texas, being the same tract of land called 3.222 acres described in Volume 205, Page 333 of the Deed Records of Comal County, Texas.
COUNCIL AGENDA ITEM

SUBJECT/PROJECT: PUBLIC HEARING AND CONSIDERATION OF PROPOSED CHANGES TO THE CHAPTER 118, PLATTING ORDINANCE

ORIGINATING DEPARTMENT: PLANNING PRESENTER: ROBERT KINSEY.

COUNCIL DATE: MAY 27, 2008 AGENDA #: 5C

AGENDA CAPTION:
PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING SECTIONS 118-35, 118-51.3(B) AND (C), AND 118-53, PLATTING, NEW BRAUNFELS CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

RATIONALE:
With usage of the revised subdivision ordinance since its approval in September 2006, a few corrections, adjustments, and additions have been identified and are proposed.

The Planning Commission held a public hearing to consider recommendation for the proposed changes on February 5, 2008, but postponed action until the City held a public workshop to address changes in the building and fire codes, which included a change to the right-of-way requirements for cul-de-sacs (see item #1, below). A public workshop was held in February and a City Council workshop was held in March; however, there was no discussion on this subject.

The Planning Commission voted and approved that item 1 below be removed from consideration for recommendation at this time until further information is provided concerning issues with cul-de-sac right-of-way and pavement widths.

Amend Sec. 118-46 Streets, (k) Cul-de-sac
1) Change the minimum right-of-way and pavement widths of residential cul-de-sacs from a right-of-way width of 50' and pavement width of 40', to a minimum right-of-way width of 65' and a minimum pavement width of 55'. The Fire Department is in the process of amending this requirement in the Fire Code. The Planning Department became aware of the proposed amendment and noted that the requirement will also need to be updated in the Subdivision Ordinance.

The Planning Commission did recommend approval of the following proposed amendments:

2) Amend Sec. 118-51. Water, sewer and drainage facilities; flood hazards (see attachment 1)

3. Floodplain
Section (b) Change "floodplain" to "floodway" to require that a drainage easement must be required for the floodway. FEMA and the City permit construction in the floodplain, subject to elevation and floodproofing rules and requirements. No construction is permitted in the floodway without a flood study indicating a no-rise in the elevations of the 100-year base flood.

Section (c) Change wording to indicate that a flood study is required for development in the floodway
3) Amend Sec. 118-53. ETJ Regulations Applicable in Comal County (see attachment 2)

Title will now read: \textbf{Sec. 118-53 ETJ Regulations Applicable in Comal and Guadalupe Counties}

\textbf{Article IV Design Standards}, of the Table of Contents has been amended to reflect the change. Subsections \(f\) through \(l\) have been added which incorporate the Guadalupe County Interlocal Agreement and adjustments to the Comal County Interlocal Agreement.

4) Amend \textbf{Sec. 118-35. Amending Plats} (see attachment 3)

Change to not require an amending plat to be prepared by a surveyor if only removing a lot line between two lots to create one lot. The owner of the lots may be the applicant and prepare the application and the document for approval by the Planning Director to show the recorded plat and the amended plat with the lot line removed. This amendment is in response to increasing amending plats and the high cost for preparation by a surveyor. Comal County currently does not require replatting, and allows removal of a lot line by document that is recorded.

\textbf{FISCAL IMPACT:}

\textbf{N/A.}

\textbf{BOARD RECOMMENDATION:}

The Planning Commission held a public hearing May 6, 2008, to consider recommending to Council approval of the proposed changes to Chapter 118, Platting. The Commission motioned and approved, by a vote of 7-0-0, a recommendation that the changes shown as items \#2, 3 and 4 be forwarded to City Council for approval, and that item \#1 be postponed for consideration until the June 3, 2008 Planning Commission meeting.

\textbf{STAFF RECOMMENDATION:}

Staff recommended approval with the following restrictions:

\textbf{ATTACHMENTS:}

1. Proposed amendments to Section 118-51(b) \& (c)
2. Proposed amendments to Section 118-53
3. Proposed amendments to Section 118-35

\textbf{Agenda Item #}: 
\textbf{Council Date:} May 27, 2008
PUBLIC HEARINGS

Hold a public hearing and make a recommendation to City Council regarding proposed changes to Chapter 118, Platting, New Braunfels Code of Ordinances.

Mr. Greene stated that the Commission had reviewed the proposed changes at their February meeting but the item was postponed because of concerns regarding the increased radii for cul-de-sacs. He said public workshops were held since that time and no one, including City Council, had mentioned any concerns regarding the radii width.

Vice Chairman Vanstory said the issue was the increased width of a cul-de-sac by 15 feet and that the item had been postponed so that the requirement could be challenged. He said he was concerned that there had been no discussion at all.

Mr. Kinsey explained that the new, larger fire trucks needed the additional maneuvering space. He said that in reality, while the Commission approved plats showing 45' radii, 55' radii were being built on the ground. He added that staff was trying to get all the codes to harmonize, not conflict, with one another.

Commissioner Castillo said he attended the City Council workshop and that discussion was dominated by building code issues, including sprinkling of buildings.

Mr. Kinsey noted that the Commission still had reservations about the item and suggested moving the three other amendments to Council.

Commissioner Casteel asked that the Fire Marshall attend the next Planning Commission meeting so that he could answer questions directly.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in favor of the proposed changes. No one spoke.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in opposition to the proposed changes. No one spoke.

Motion by Commissioner Nolte, seconded by Commissioner Casteel, to close the public hearing. The motion carried unanimously. (7-0-0)

Motion by Commissioner Casteel, seconded by Commissioner LaRochelle, that the changes shown as items # 2, 3 and 4 be forwarded to City Council with a recommendation to approve, and that Item # 1 be postponed until the June 3, 2008, Planning Commission meeting. The motion carried unanimously. (7-0-0)

Vice Chairman Vanstory suggested that staff visit and measure the cul-de-sac at Laurel Trail before the next meeting. Mr. Kinsey said he would do so.
Sec. 118-51. Water, sewer and drainage facilities; flood hazards.

3. Flood Plain.
   (a) When a proposed subdivision or development has within it a drainageway where no regulatory floodway has been designated, no new construction, substantial improvements or other development, including fill, shall be permitted in an area that may have flood hazards, unless it is demonstrated that the cumulative effect of the proposed development or improvements, when combined with all other existing and anticipated development and improvements will not substantially increase the water surface elevation.

   (b) In areas where there is an approved and mapped floodplain, the subdivider or developer shall designate a drainage easement(s) for the floodplain.

   (c) In areas where a floodplain and floodway is mapped and approved by the City, no a flood study or demonstration of "no flood height increase" shall be required.

   (d) If a proposed subdivision is within an area where flooding may occur, where there is no floodplain shown on a city-approved floodplain map, or where there is located an approved floodplain but no floodway, the subdivider shall:

       (i) Conduct a study of where the base flood elevation would be, assuming a fully developed watershed, show a drainage easement on the plat, and show the elevation of the flood plain at intervals of every 500 lineal feet; or

       (ii) Conduct a study, using HEC or similar modeling that is approved by the City Engineer, to insure that the proposed development would not increase the elevation of the 1% annual chance base flood; or

       (iii) Request a waiver from the above requirements. The request for waiver shall be assessed with respect to proposed density, land use, lot sizes, building sizes, anticipated impervious cover, and the width and depth of the existing floodplain. All waiver requests shall be considered and decided by the Planning Commission.
Article IV. Design Standards

118-43. Generally. ........................................................................................................... 43
118-44. Blocks .................................................................................................................. 43
118-45. Lots ....................................................................................................................... 43
118-46. Streets ................................................................................................................... 44
118-47. Alleys .................................................................................................................... 75
118-48. Utility easements ................................................................................................ 75
118-49. Sidewalks ............................................................................................................. 76
118-50. Off-street bikeways and trails ............................................................................. 77
118-51. Water, sewer and drainage facilities; flood hazards ........................................... 77
118-52. Escrow policies and procedures .......................................................................... 80
118-53. ETJ regulations applicable in Comal and Guadalupe Counties ......................... 81
118-54. Monuments and lot markers ................................................................................ 87
118-55. Landscaping and maintenance .......................................................................... 87
118-56. Closure, abandonment, and sale of public right-of-way ........................................ 88
Sec. 118-53. ETJ Regulations Applicable in Comal and Guadalupe Countiesy.

In the City's Extraterritorial Jurisdiction in Comal County, in accordance with the Interlocal agreement between Comal County and the City of New Braunfels, the following regulations shall apply in addition to the regulations of this Chapter:

a. Lot sizes within the ETJ in Comal County.

1. Subdivisions requiring platting, where each lot within the proposed subdivision will be served by a Texas Commission on Environmental Quality (TCEQ) approved public water supply and will utilize individual on-site sewage facility methods for sewage disposal, shall provide for individual lots having surface areas of at least 1.0 acre.

2. Subdivisions requiring platting, where each lot within the proposed subdivision will not be served by a TCEQ approved public water supply and will utilize individual on-site sewage facility methods for wastewater treatment, shall provide for individual lots having surface areas of at least 5.01 acres.

b. Water Availability within the ETJ in Comal County.

A person seeking approval of a plat that creates one or more lots or is seeking approval of replat that results in an increase in the total amount of lots shall:

1. If no Public Water System is proposed or exists; and the proposed lots will be served by individual groundwater wells and not utilizing groundwater regulated by the Edwards Aquifer Authority,

Submit a Certification of Groundwater Availability For Platting Form pursuant to Title 30 Texas Administrative Code, Chapters 230, Sections 230.2 through and including 230.11, with the following additional requirements;

All supporting information, data, and calculations necessary to meet the requirements of Sections 230.2 through and including 230.11 shall be attached to the Certification of Groundwater Availability For Platting Form.

§230.3(c). Form Required, the first sentence is revised as follows;

This chapter and the following form shall be used and completed if the City requires plat applicants to certify that adequate groundwater is available to provide water to the land to be subdivided.

Submit documentation from a Hydrogeologist indicating his/her concurrence with the findings presented within the above Certification of Groundwater Availability For Platting Form.

2. If no Public Water System is proposed or exists; and the proposed lots will be served by individual groundwater wells utilizing groundwater regulated by the Edwards Aquifer Authority,

(a) Provide an analysis prepared by a registered engineer determining the projected water use of the final expected number of residences, businesses, or other dwellings in the platted area.
(b) Submit documentation from the Edwards Aquifer Authority indicating a permit allocation of groundwater rights to the proposed platted area in an amount adequate to meet the water needs as identified in the above engineering analysis. The permit allocation cannot involve leased water rights.

3. If the proposed lots are to be served by a new Public Water System utilizing groundwater wells and not using groundwater regulated by the Edwards Aquifer Authority,

(a) Submit a Certification of Groundwater Availability For Platting Form pursuant to Title 30 Texas Administrative Code, Chapters 230, Sections 230.2 through and including 230.11, with the following additional requirements:

All supporting information, data, and calculations necessary to meet the requirements of Sections 230.2 through and including 230.11 shall be attached to the Certification of Groundwater Availability For Platting Form.

§230.3(c), Form Required, the first sentence is revised as follows,

This chapter and the following form shall be used and completed if the City requires plat applicants to certify that adequate groundwater is available to provide water to the land to be subdivided.

Submit documentation from a Hydrogeologist indicating his/her concurrence with the findings presented within the above Certification of Groundwater Availability For Platting Form.

(b) Submit a copy of the final approval letter and all supporting documentation from the executive director of the Texas Commission for Environmental Quality (TCEQ), pursuant to TCEQ Rule 30 TAC Chapter 290.41(c)(3)(A), for each new well and provide a copy of the TCEQ approval letter and supporting documentation for the engineering plans and specifications for the Water Production and Water Distribution Facilities.

(c) Provide a surety, in a form acceptable to the City, in an amount determined by the City Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

4. If the proposed lots are to be served by a new Public Water System utilizing groundwater wells using groundwater regulated by the Edwards Aquifer Authority,

(a) Provide an analysis prepared by a registered engineer determining the projected water use of the final expected number of residences, businesses, or other dwellings in the platted area.

(b) Submit documentation from the Edwards Aquifer Authority indicating a permit allocation of groundwater rights to the proposed platted area in an amount adequate to meet the water needs as identified in the above engineering analysis. The permit allocation cannot involve leased water rights.
Submit a copy of the final approval letter and all supporting documentation from the executive director of the Texas Commission for Environmental Quality (TCEQ), pursuant to TCEQ Rule 30 TAC Chapter 290.41(c)(3)(A), for each new well and provide a copy of the TCEQ approval letter and supporting documentation for the engineering plans and specifications for the Water Production and Water Distribution Facilities.

Provide a surety, in a form acceptable to the City, in an amount determined by the City Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

5. If the proposed lots are to be served by a new Public Water System utilizing surface water,

(a) Provide a copy of the TCEQ approval letter and supporting documentation for the engineering plans and specifications for any required Water Production and Water Distribution Facilities, pursuant to TCEQ Rule 30 TAC Chapter 290

(b) Provide an analysis prepared by a registered engineer determining the projected water use of the final expected number of residences, businesses, or other dwellings in the platted area.

(c) Submit a copy of an executed contract, agreement, or commitment letter from the TCEQ or the Guadalupe Blanco River Authority stating surface water, in an amount adequate to meet the water needs as identified in the above engineering analysis, has been committed to the platted area for a period of 20 years or greater. Said document shall identify the amount of surface water committed, the point of diversion, and the term of the commitment.

(d) Provide a surety, in a form acceptable to the City, in an amount determined by the City Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

6. If the proposed lots are to be served by an existing public water system utilizing groundwater and currently providing service to less than 1000 connections,

(a) Provide documentation from the existing Public Water System indicating that the existing system has agreed to provide water service to the platted area.

(b) Provide a copy of the latest TCEQ Public Water Sanitary Survey of the existing Public Water System indicating no alleged violations pertaining to water quality or water production capability.

(c) Provide an engineering analysis of the existing Public Water System showing that the existing system has an adequate Water Supply and adequate Water Production Facilities to serve the final expected number of residences, businesses, or other dwellings in the existing service area in addition to the needs of the final expected number of residences, businesses, or other dwellings in the proposed platted area.
(d) If the existing public water system uses groundwater regulated by the Edwards Aquifer authority, submit documentation from the Edwards Aquifer Authority indicating the permit allocation of groundwater rights necessary to meet the needs identified to the preceding paragraph. The permit allocation cannot involve leased water rights.

(e) If an expansion to an existing Public Water System is necessary due to the addition of the platted area or due to the existing deficiencies in the system, as identified above, submit a copy of the final approval letter and all supporting documentation from the executive director of the TCEQ, pursuant to TCEQ rule 30 TAC Chapter 290.41(c)(3)(A). for any new well, and provide a copy of the TCEQ approval letter and supporting documentation for the engineering plans and specifications for the required Water Production and Water Distribution Facilities.

Provide a surety, in a form acceptable to the City, in an amount determined by the City Engineer, to ensure the proper completion of any and all Water Distribution Facilities such as water mains, valves, and other necessary water distribution appurtenances.

7. If the proposed lots are to be served by an existing Public Water System utilizing surface water or an existing Public Water System currently providing interconnected water service to 1000 connections or more,

(a) Provide documentation from the existing Public Water System (Utility) indicating that the Utility has agreed to provide water service to the platted area.

(b) Provide documentation from the Utility indicating that the Utility has had a Water Availability Report approved by the Comal County Commissioners Court within the last 36 months.

(c) A Water Availability Report is defined as a document prepared by the Utility to reveal their ability to meet the needs of their existing users and show their preparedness to meet the needs of future water users as their system expands. The report shall include, but is not necessarily limited to, the following:

(i) Copy of the latest TCEQ Public Water Sanitary Survey of the Utility's existing water system indicating no alleged violations pertaining to water quality or water production capability.

(ii) A map of the Utility's service area showing:

a. the Utility's current service area as defined by their existing Certificate of Convenience and Necessity and the projected service area in 20 year.

b. a schematic of the Utility's existing distribution system with line sizes identified.

c. locations of water wells and/or surface water plants with capacities.

d. locations of pump stations and elevated storage tanks with capacities.
3. An analysis of the population and land use development projections for the Utility’s estimated service area in 20 years.

4. Copies of documents and/or an engineering analysis showing that the Utility has adequate groundwater rights, surface water rights, existing groundwater production capability, or other proofs of water rights or reservations in an amount sufficient to supply the anticipated water use of the expected population and land use within the projected service area in 20 years.

5. In areas where groundwater withdrawal is not regulated by the Edwards Aquifer Authority, if applicable, provide a report prepared by a registered engineer certifying that adequate groundwater is available from the source aquifer(s) to supply the Utility’s anticipated groundwater needs for 20 years.

h. Definitions:

**Hydrogeologist** means an individual with at least five years of progressively more responsible professional experience, following receipt of a baccalaureate degree, during which full competence has been demonstrated in the application of scientific or engineering principles and methods to the execution of work involving:

1. the understanding of the occurrence, movement, and composition of ground water in relation to the geologic environment,

2. the development, management, or regulation of ground water, or

3. the teaching and research of ground water subjects at the university level.

**Public Water System** means a system, approved by the TCEQ, for the provision to the public of water for human consumption through pipes or other constructed conveyances.

**Water Production Facility** means a collection of pumps, treatment equipment, tanks and other devices designed to extract water from a source, provide necessary treatment to purify and disinfect, pressurize, pump, and store potable water.

**Water Distribution Facility** means a system of network of pipes and valves designed to deliver potable water to users.

**Water Supply** means a source of water.

c. Comal County Thoroughfare Plan.
The subdivider shall dedicate right-of-way according to the Comal County Thoroughfare Plan, if such right-of-way is greater than prescribed elsewhere in this chapter. The requirements of this paragraph are subject to a petition for relief from a dedication or construction requirement, pursuant to this chapter.

d. The City shall not record a plat with the Comal County Clerk until:

1. the developer of said plat has completed all roads, stormwater drainage improvements, and water distribution facilities, as applicable; and has received
written notice from the County Engineer that states that the roads, stormwater drainage improvements, and water distribution facilities are complete and are acceptable to Comal County; or

2. the City has received from the developer a Corporate Surety Bond, Irrevocable Letter of Credit, or Escrow Agreement, in an amount determined by the City Engineer, to ensure the proper completion of roads, drainage, and water distribution facilities, as applicable, within subdivisions involving said infrastructure. The surety shall be executed by a surety company authorized to do business in the State of Texas and shall be made payable to the County Judge or his successors in office, of Comal County, Texas. The condition of the bond, letter of credit or escrow agreements shall be that the owner or owners of the tract of land to be subdivided will construct the roads or streets, stormwater drainage, and water distribution facilities of such subdivision within one year. The time period for completion may be extended upon written agreement of the developer and County. The full amount of the bond or letter of credit shall remain in force until the road construction and other infrastructure is completed and roads and other infrastructure are approved and/or accepted by the County. The City shall deliver said surety to the County within 10 working days of the recording of the subdivision plat.

e. The subdivider shall allow County inspectors access to road construction sites of subdivisions within the ETJ and the City shall timely submit copies of all road materials and road construction test results to the County during road construction. City inspectors shall have inspection and approval authority over the road construction, stormwater drainage construction, and water distribution facility construction within the right-of-way and easements. The County may request that the City issue a stop-work notice if the applicable construction standards are not being met.

In the City’s Extraterritorial Jurisdiction in Guadalupe County, in accordance with the Interlocal agreement between Guadalupe County and the City of New Braunfels, the following regulations shall apply in addition to the regulations of this Chapter:

f. The City shall enforce the more stringent subdivision regulations of the city and county when approving development within the ETJ.

g. The City shall incorporate the portion of the County subdivision regulations as Attachment "A" into their subdivision regulation ordinance and enforce these regulations within their ETJ in Guadalupe County.

Additional Requirements within the ETJ of the City of New Braunfels, Texas

Lot Sizes within the ETJ of the City of New Braunfels, Texas

Subdivisions requiring platting, where each lot within the proposed subdivision will be served by a Texas Commission on Environmental Quality (TCEQ) approved public water supply and will utilize individual on-site sewage facility methods for sewage disposal, shall provide individual lots having surface areas of at least 1.0 acres and meeting the City of New Braunfels Subdivision Ordinance requirements and Guadalupe County’s rules for On-Site Septic Facilities.

Subdivisions requiring platting, where each lot within the proposed subdivision will not be served by a TCEQ approved public water supply and will utilize individual on-site sewage facility methods for wastewater treatment, shall provide for individual lots having surface areas of at least 1.0 acres.
h. The City shall require the preparation of a subdivision plat for the division of property into 5 acre tracts or less, and in accordance with Ch. 212.004, Texas Local Government Code.

i. The City shall deliver two copies of all recorded subdivision plats within the City’s ETJ to the County within 10 working days of the recording of the subdivision plat.

j. The City shall require the developer to provide a Corporate Surety Bond, Irrevocable Letter of Credit, or Escrow Agreement, in an amount determined by the City’s Engineer, or designee, to ensure the proper completion of roads, drainage, and water distribution facilities, as applicable, within subdivisions involving said infrastructure. The surety shall be executed by a surety company authorized to do business in the State of Texas and shall be made payable to the County Judge or his successors in office, of Guadalupe County, Texas. The condition of the bond, letter of credit or escrow agreement shall be that the owner or owners of the tract of land to be subdivided will construct the roads or streets, stormwater drainage, and water distribution facilities of such subdivision within one year of plat filing. The time period for completion may be extended upon written agreement of the developer and County. The full amount of the bond or letter of credit shall remain in force until the road construction and other infrastructure is completed and roads and other infrastructure are approved and/or accepted by the County. The City shall deliver said surety to the County within 10 working days of the recording of the subdivision plat.

k. The City shall allow County inspectors unfettered access to road construction sites of subdivisions within the ETJ and the City shall timely submit copies of all road materials and road construction test results to the County during road construction. City inspectors shall have control of the road construction, stormwater drainage construction, and water distribution facility construction within the right-of-way. The County shall request that the City halt construction if the applicable construction standards are not being met.

l. Unless otherwise agreed by the city or county, all curbs, sidewalks and green spaces, as platted, will be maintained by the developer or a homeowners association.

m. Guadalupe County Thoroughfare Plan.
The subdivider shall dedicate right-of-way according to the Guadalupe County Thoroughfare Plan, if such right-of-way is greater than prescribed elsewhere in this chapter. The requirements of this paragraph are subject to a petition for relief from a dedication or construction requirement, pursuant to this chapter.
Sec. 118-35. Amending Plats

a. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat, including the required number of copies of the plat, a completed application form, and the required application fee.

b. Upon receipt of a favorable recommendation for approval from the City Engineer, the Planning Director may approve an amending plat which may be recorded and is controlling over the preceding or final plat without vacation of that plat if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this Section. The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:

1. Correct an error in a course or distance shown on the preceding plat;
2. Add a course or distance that was omitted on the preceding plat;
3. Correct an error in a real property description shown on the preceding plat;
4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. Correct an error in courses and distances of lot lines between two adjacent lots if:
   (a) Both lot owners join in the application for amending the plat;
   (b) Neither lot is abolished;
   (c) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
   (d) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. Relocate one or more lot lines between one or more adjacent lots if:
   (a) The owners of all those lots join in the application for amending the plat;
   (b) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
   (c) The amendment does not increase the number of lots.
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
(a) The changes do not affect applicable zoning and other regulations of the City;

(b) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

(c) The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area.

11 To replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat:

(b) The amendment does not attempt to remove recorded covenants or restrictions;

(c) The amendment does not increase the number of lots; and

(d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

12. To remove one lot line between two adjacent lots if: (The plat does not have to be prepared by a registered surveyor. Application may be made by the owner of the lots.)

(a) The applicant is the owner of both lots; and

(b) Proof is provided from the utility providers that any easements are not needed currently or in the future; and

(c) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements:

c. The Planning Director may approve amending plats. The Planning Director may, for any reason, elect to present the amending plat to the Planning Commission for consideration and approval. Any decision made on the amending plat by the Planning Director shall be approval of the plat. Should the Planning Director refuse to approve the amending plat, then the plat shall be referred to the Commission for review and approval within the time period required by State law.

d. Notice, a public hearing, and the approval of other lot owners is not required for the approval and issuance of an amending plat.

e. The amended plat shall be entitled and clearly state that it is an "amended plat", and it shall include a detailed "Purpose for Amended Plat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the City and filed at the applicable County. It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

f. The amending plat shall be filed at the applicable County in the same manner, as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the City, and if the plat is not filed at the applicable County within the time periods specified for a final plat.
ORDINANCE NO. 2008-

AN ORDINANCE AMENDING SECTIONS 118-35, 118-51.3(B) AND (C), AND 118-53, PLATTING, NEW BRAUNFELS CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of New Braunfels, Texas, finds it necessary to establish rules and regulations governing the orderly, efficient and environmentally sound development of land; and

WHEREAS, City Council adopted a new Chapter 118, Platting, effective September 27, 2006; and

WHEREAS, usage of the Platting Ordinance has identified certain sections that require corrections, adjustments, and additions; and

WHEREAS, the Planning Commission held public hearings on February 5, 2008, and May 6, 2008, and made recommendations concerning these regulations; and

WHEREAS, City Council finds that amending Chapter 118 is in the best interest of the citizens of New Braunfels; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT, Section 118-35 b. is hereby amended by adding the following Section:

12. To remove one lot line between two adjacent lots if: (The plat does not have to be prepared by a registered surveyor. Application may be made by the owner of the lots.)

(a) The applicant is the owner of both lots; and

(b) Proof is provided from the utility providers that any easements are not needed currently or in the future; and

(c) The amendment does not attempt to remove or modify recorded covenants or restrictions.

SECTION 2

THAT, Section 118-51 f. 3. (b) and (c) are deleted and replaced with the following:

(b) In areas where there is an approved and mapped floodway, the subdivider or developer shall designate a drainage easement(s) for the floodway.

(c) In areas where a floodway is mapped and approved by the City, a flood study or demonstration of "no flood height increase" shall be required.

SECTION 3

THAT, Section 118-53 is hereby amended by adding the following Sections (after Section e.):

f. The City shall enforce the more stringent subdivision regulations of the city and county when approving development within the ETJ.
g. The City shall incorporate the portion of the County subdivision regulations as Attachment "A" into their subdivision regulation ordinance and enforce these regulations within their ETJ in Guadalupe County.

Additional Requirements within the ETJ of the City of New Braunfels, Texas

Lot Sizes within the ETJ of the City of New Braunfels, Texas

Subdivisions requiring platting, where each lot within the proposed subdivision will be served by a Texas Commission on Environmental Quality (TCEQ) approved public water supply and will utilize individual on-site sewage facility methods for sewage disposal, shall provide individual lots having surface areas of at least 1.0 acres and meeting the City of New Braunfels Subdivision Ordinance requirements and Guadalupe County’s rules for On-Site Septic Facilities.

Subdivisions requiring platting, where each lot within the proposed subdivision will not be served by a TCEQ approved public water supply and will utilize individual on-site sewage facility methods for wastewater treatment, shall provide for individual lots having surface areas of at least 1.0 acres.

h. The City shall require the preparation of a subdivision plat for the division of property into 5 acre tracts or less, and in accordance with Ch. 212.004, Texas Local Government Code.

i. The City shall deliver two copies of all recorded subdivision plats within the City’s ETJ to the County within 10 working days of the recording of the subdivision plat.

j. The City shall require the developer to provide a Corporate Surety Bond, Irrevocable Letter of Credit, or Escrow Agreement, in an amount determined by the City’s Engineer, or designee, to ensure the proper completion of roads, drainage, and water distribution facilities, as applicable, within subdivisions involving said infrastructure. The surety shall be executed by a surety company authorized to do business in the State of Texas and shall be made payable to the County Judge or his successors in office, of Guadalupe County, Texas. The condition of the bond, letter of credit or escrow agreement shall be that the owner or owners of the tract of land to be subdivided will construct the roads or streets, stormwater drainage, and water distribution facilities of such subdivision within one year of plat filing. The time period for completion may be extended upon written agreement of the developer and County. The full amount of the bond or letter of credit shall remain in force until the road construction and other infrastructure is completed and roads and other infrastructure are approved and/or accepted by the County. The City shall deliver said surety to the County within 10 working days of the recording of the subdivision plat.

k. The City shall allow County inspectors unfettered access to road construction sites of subdivisions within the ETJ and the City shall timely submit copies of all road materials and road construction test results to the County during road construction. The County shall request that the City halt construction if the applicable construction standards are not being met.
I. Unless otherwise agreed by the city or county, all curbs, sidewalks and green spaces, as platted, will be maintained by the developer or a homeowners association.

m. Guadalupe County Thoroughfare Plan.
The subdivider shall dedicate right-of-way according to the Guadalupe County Thoroughfare Plan, if such right-of-way is greater than prescribed elsewhere in this chapter. The requirements of this paragraph are subject to a petition for relief from a dedication or construction requirement, pursuant to this chapter.

SECTION 4

THAT, all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 7

THIS ordinance will take effect on June 25, 2008.

PASSED AND APPROVED: First Reading this the 27th day of May, 2008.

PASSED AND APPROVED: Second and Final Reading this the 9th day of June, 2008.

CITY OF NEW BRAUNFELS

______________________________
R. BRUCE BOYER, Mayor

ATTEST:

______________________________
MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:

______________________________
ALAN C. WAYLAND, City Attorney
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT:  PUBLIC HEARING AND FIRST READING TO CONSIDER AMENDMENT TO THOROUGHFARE PLAN FOR A PORTION OF WALNUT AVENUE

ORIGINATING DEPARTMENT:  PLANNING  PRESENTER:  ROBERT KINSEY

COUNCIL DATE:  MAY 27, 2008  AGENDA #:  5-D

AGENDA CAPTION:
PUBLIC HEARING AND FIRST READING OF AN ORDINANCE TO AMEND THE 2005 THOROUGHFARE MASTER PLAN BY CHANGING WALNUT AVENUE BETWEEN KATY STREET AND S. BUSINESS IH 35 FROM A 90' ARTERIAL TO A 120' ARTERIAL.

RATIONALE:
Staff is proposing to amend the Thoroughfare Master Plan for a section of Walnut Avenue between Katy Street and Business IH 35.

Currently, this section of Walnut Avenue is designated as a 90' arterial. Staff is recommending a change from 90' to 120' in order to be consistent with the proposed improvements of Walnut Avenue at this location.

FISCAL IMPACT:
N/A.

BOARD RECOMMENDATION:
The Planning Commission held a public hearing for the amendment of the Thoroughfare Master Plan for Walnut Avenue between Katy and Business IH 35 on May 6, 2008. The Commission unanimously approved the motion to approve the amendment to the Thoroughfare plan by a vote of 7-0-0.

STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:
1. Excerpt from Planning Commission minutes of May 6, 2008.
2. Current Thoroughfare Plan
3. Proposed Amendment to Thoroughfare Plan
EXEMPLARY TEXT

PUBLIC HEARINGS

Hold a public hearing and make a recommendation to City Council to amend the 2005 Thoroughfare Plan by changing Walnut Avenue between Katy Street and S. Business 35 from a 90 ft. arterial to a 120 ft. arterial.

Mr. Greene explained that the Thoroughfare Plan was being amended to reflect the proposed widening of Walnut Avenue.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in favor of the proposed change. No one spoke.

Chairman Ybarra asked if there was anyone in the audience who wished to speak in opposition to the proposed change. No one spoke.

Motion by Commissioner Casteel, seconded by Commissioner Nolte, to close the public hearing. The motion carried unanimously. (7-0-0)

Motion by Commissioner Heimer, seconded by Commissioner Casteel, that the proposed amendment of the 2005 Thoroughfare Plan by changing Walnut Avenue between Katy Street and S. Business 35 from a 90 ft. arterial to a 120 ft. arterial be forwarded to City Council with a recommendation to approve. The motion carried unanimously. (7-0-0)
**COUNCIL AGENDA ITEM**

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>CONSIDER RESOLUTION TO EXTEND MORATORIUM ON ELECTRONIC VIDEO DISPLAY SIGNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MATTER/PROJECT:</td>
<td></td>
</tr>
<tr>
<td>ORIGINATING DEPARTMENT:</td>
<td>PLANNING</td>
</tr>
<tr>
<td>PRESENTER:</td>
<td>ROBERT KINSEY</td>
</tr>
<tr>
<td>COUNCIL DATE:</td>
<td>MAY 27, 2008</td>
</tr>
<tr>
<td>AGENDA #:</td>
<td>5E</td>
</tr>
</tbody>
</table>

**AGENDA CAPTION:**

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS EXTENDING A MORATORIUM ON ELECTRONIC VIDEO DISPLAY SIGNS.

**RATIONALE:**

The Council passed a resolution enacting a moratorium on electronic video display signs on September 10, 2007, for a term of 180 days. A Sign Ordinance Committee was appointed by Council to analyze and recommend possible regulations for electronic video display signs. Investigation of the regulation of these types of signs was ongoing when the moratorium was due to expire. The Council extended the moratorium for another 90 days, beginning March 8, 2008.

A Sign Ordinance Workshop was held May 13, 2008, which included members of Council, the previous Sign Ordinance Committee, staff and individuals involved in the sign and business industry. Council discussed the electronic video display signs during the workshop and concluded that there is more information to be researched concerning the regulation of these types of signs. The current moratorium on the electronic video display signs will expire on June 6, 2008. Council gave staff direction to bring another resolution before Council to consider extending the electronic video display sign moratorium for another 90 days so that regulation of these types of signs could be further analyzed. If passed, the resolution for extension of the moratorium for another 90 days will expire September 4, 2008.

**FISCAL IMPACT:**

N/A.

**BOARD RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

N/A
RESOLUTION NO. 2008-R__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS
EXTENDING A MORATORIUM ON ELECTRONIC VIDEO DISPLAY SIGNS

WHEREAS, the City Council is concerned that existing sign code regulations are not sufficient to ensure that certain sign development is consistent with the City's Comprehensive Plan and consistent with the public interest regarding aesthetics and safety; and

WHEREAS, the current sign code regulations of the City do not specifically address electronic video display signs, as defined hereinafter; and

WHEREAS, electronic video display signs have proliferated; and

WHEREAS, the City Council is concerned about the potential impacts that electronic video display signs may create that may be detrimental to the public health, safety and general welfare of the citizens of the City of New Braunfels, which may be jeopardized by the establishment of such signs prior to a review of the matter and possible adoption of new regulations by the City Council; and

WHEREAS, the citizens of the City of New Braunfels will be well-served if the City more fully addressed and understood the potential impacts in the form of health, safety, economic, hazards to traffic, and aesthetic impacts these signs impose upon neighboring properties and the community as a whole; and

WHEREAS, the City needs additional time to review existing information on the effects of these signs and to review the City's sign code regulations in a comprehensive fashion to determine whether these regulations sufficiently address the impacts of such signs; and

WHEREAS, it is the intent of the City Council that this Resolution does not address or include any non-commercial signs, as defined hereinafter; and

WHEREAS, the City Council has determined that a moratorium on electronic video display signs would allow the City Staff and City Council an opportunity to examine and propose standards for review of applications for electronic video display signs; and

WHEREAS, the City Council passed a resolution enacting a moratorium on electronic video display signs on September 10, 2007, for a term of 180 days from the effective date of the resolution, that term ending on March 8, 2008; and

WHEREAS, The City Council passed Resolution No. 2008-R08 that extended the moratorium on electronic video display signs from March 8, 2008 for an additional 90 days, that term ending on June 6, 2008; and

WHEREAS, the City Council and City Staff have not completed the examination and proposed standards for review of applications for electronic video signs and wish to continue to do so for an additional term of 90 days; and

WHEREAS, the City regulates signs in Chapter 106 of the Code of Ordinances City of New Braunfels, Texas; NOW, THEREFORE,
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS THAT:

1. The foregoing recitals are not mere recitals, but are material portions of this Resolution.

2. For purposes of this Resolution the following definitions apply:
   a. Electronic video display sign means any sign having text, graphics or images that change, scroll, flash, move, blink, have varying light intensity or have the appearance of movement and are displayed by electronic means and video or light devices; and
   b. Non-commercial sign means any sign, whether on-premises or off-premises, which does not have as its message the advertisement of a product, service or business, or the sale of merchandise, or other activity for private benefit or gain and which is not a commercial sign.

3. The City shall accept no applications for sign permits for electronic video display signs after the effective date of this Resolution for the term of the moratorium herein established. Any acceptance or processing of an application by a City official for an electronic video display sign after the effective date of this Resolution shall be deemed void, and such unauthorized acceptance or processing of the application shall be grounds for denial of the permit.

4. The term of the moratorium on electronic video display signs shall be for an additional term of 90 days from the expiration of the previously approved Resolution which ends on June 6, 2008, or the adoption of regulations governing such signs, whichever first occurs, unless extended by action of the City Council. Such extended moratorium shall expire on September 4, 2008 unless further extended by action of the City Council.

5. City Staff is hereby directed to conduct such research and formulate amendments to the present sign code regulations to address electronic video display signs, and any such other amendments that City Staff shall determine are needed and necessary for the health, safety and welfare of the citizens of the City of New Braunfels.

6. Any person who believes they should not be affected by this moratorium may file a written petition with the City Council for the City of New Braunfels for a waiver from the effects of the moratorium within 10 days of the effective date of this Resolution. The petition shall set forth the grounds for waiver. The City Council shall decide the waiver petition based upon the following criteria:
   a. The Petitioner has a vested rights which cannot be affected by revisions to the sign code regulations; and/or
   b. The Petitioner has established other legal grounds for which he or she should be deemed exempt from the moratorium.

If the City Council grants the waiver, the application for an electronic video display sign shall be processed and decided in accordance with Chapter 106 of the City Code of Ordinances.

7. This moratorium does not affect or include any applications for sign permits filed with the City prior to the effective date of this Resolution, which permits shall be processed by the City in the same manner as if this Resolution was not adopted.

8. This moratorium does not affect or include any application for a noncommercial sign.

9. This Resolution shall take effect immediately upon its passage by the City Council, which shall be deemed the effective date of the Resolution.
10. In the event that any one or more of the provisions contained in this Resolution or moratorium shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Resolution or moratorium, but this Resolution and moratorium shall be construed as if such invalid, illegal or unenforceable provision has never been contained herein.

SO RESOLVED this 27th day of May, 2008.

CITY OF NEW BRAUNFELS, TEXAS

By: ________________________________

R. Bruce Boyer, Mayor

ATTEST:

Michael A. Resendez, City Secretary

APPROVED AS TO FORM:

Alan C. Wayland, City Attorney
SUBJECT MATTER: FIRST READING – ORDINANCE AMENDING CHAPTER 14, BUILDING

COUNCIL MEETING DATE: May 27, 2008

ORIGINATING DEPARTMENT: Planning and Community Development

PRESENTERS: Robert Kinsey

ITEM REQUIRES COUNCIL ACTION: YES

ADDITIONAL INFORMATION ATTACHED: YES

EXPLANATION REPORT:

This portion includes any applicable background information on the item or other introductory information.

REQUEST:

DISCUSS AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES BY ADOPTING THE 2006 EDITIONS OF THE INTERNATIONAL RESIDENTIAL, BUILDING, PLUMBING, MECHANICAL, FUEL GAS, ENERGY CONSERVATION, FIRE, PROPERTY MAINTENANCE AND 2005 NATIONAL ELECTRIC CODES; MAKING VARIOUS AMENDMENTS, DELETIONS, AND MODIFICATIONS TO THE 2006 INTERNATIONAL CODES; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

BACKGROUND:

The City of New Braunfels is currently under the 2003 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance and Existing Building Codes and the National Electrical Code 2002, and should be brought up to current building standards to be consistent with other municipalities in the State.

SUMMARY:

The City Building Department has advised local builders and contractors of the City’s intention to adopt the 2006 ICC Codes.

The City Building Department recommends adopting, with deletions, modifications and amendments, the “2006 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance and the 2005 National Electrical Codes.”

TACHMENTS 15 pages
ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES BY ADOPTING THE 2006 EDITIONS OF THE INTERNATIONAL RESIDENTIAL, BUILDING, PLUMBING, MECHANICAL, FUEL GAS, ENERGY CONSERVATION, FIRE, PROPERTY MAINTENANCE AND 2005 NATIONAL ELECTRIC CODES; MAKING VARIOUS AMENDMENTS, DELETIONS, AND MODIFICATIONS TO THE 2006 INTERNATIONAL CODES; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City Council, finds it necessary to establish rules and regulations for the construction, alteration, removal and demolition of structures; and,

WHEREAS, the City Council, also finds it necessary to establish rules and regulations prescribing to and governing conditions hazardous to life and property from fire and explosions; and,

WHEREAS, the City of New Braunfels is currently under the 2003 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance and Existing Building Codes and the National Electrical Code 2002, and should be brought up to current building standards to be consistent with other municipalities in the State; and,

WHEREAS, the City Building Department of the City of New Braunfels recommends adopting, with deletions, modifications and amendments, the "2006 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance and the 2005 National Electrical Code," collectively, the "Codes"; and,

WHEREAS, the City Building Department, has advised local builders and contractors of the City's intention to adopt the aforementioned codes; and

WHEREAS, the City of New Braunfels also finds it necessary to adopt the most recent codes, in order to protect the Health, Safety and General Welfare of the public; and,

WHEREAS, State law requires the City to adopt new regulations relating to asbestos removal before issuing a building permit to renovate or demolish a public or commercial building; and,

WHEREAS, State law requires the City to adopt new regulations relating to the review of plans and specifications and the inspection of buildings or facilities for the purpose of eliminating architectural barriers encountered by persons with disabilities; and,

WHEREAS, the City Building Department recommends amending Chapter 14, "Buildings and Building Regulations" of the Code of Ordinances, City of New Braunfels, Texas to establish permit fees and penalties; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

The findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made apart hereafter all purposes.

SECTION 2

THAT Section 14-1 of the Code of Ordinances, City of New Braunfels, Texas is repealed, and a new Section 14-1 is adopted, which section shall read as follows:
Sec. 14-1. Standard Swimming Pool Code adopted; amendments; appeals; re-inspection fee; penalty.

(a) The International Residential Code (IRC), 2006 Edition, Section 41 and Appendix G, as published by the International Code Council (ICC) is hereby adopted and incorporated by reference as the standard for residential swimming pools, for one or two family dwellings.

(b) The International Building Code (IBC), Section 3109, 2006 edition is adopted as the standard for multifamily, commercial and public swimming pools.

(c) Permit limitations. An application for a permit for any proposed work shall be deemed abandoned if the permit has not been issued (physically received by the applicant) within 30 days of the date of the application's approval, with or without conditions imposed by the city and any reviewing department or agency. An application is considered approved once all reviews are complete and the permit is ready to be issued subject to any condition attached thereto. If abandoned, the work shall not be commenced and no inspections will be made until another application has been made and another permit approved and issued. All permits shall expire a maximum of six months after the date the application is approved or conditionally approved, regardless of whether the permit had been issued (received by the applicant). Extensions of the expiration period may be made by the Building Official upon presentation by the applicant of good and justifiable cause. Examples of justification could include natural or manmade disasters, scope of extremely large projects that typically require more than six months to complete, or a lack of availability of materials due to regional or nationwide shortages.

(1) Fees. Fees for pools and related systems, equipment, and appurtenances shall be based on the schedules approved for the building, electrical, mechanical, gas, and plumbing codes of the city.

(2) Refunds. With approval of the Building Official, a refund equal to 50 percent of the permit fee may be made to the applicant if the request is made within the first 90 days after the date of permit application. No refunds shall be made after the 90-day period has lapsed.

(3) Electrical applications to comply with the 2005 National Electrical Code:

(d) A fee of $35.00 must be paid to the city for each re-inspection of work authorized under the code adopted in this section. The re-inspection fee must be paid by the person or agent to whom the permit was issued prior to any re-inspection.

(e) Where there is conflict between the code adopted in this section and any city, state, of federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.

(f) Any person, firm, corporation, agent, or entity that violates a provision of the code adopted by this section, or fail to comply therewith or with any of the provisions thereof, or violates a detail, statement, plan, or specification for a permit approved there under, shall be guilty of a misdemeanor. Each and every day or portion thereof during which any such violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than $2000.00 for each day and each offense upon conviction in a court of competent jurisdiction.

SECTION 3

1. THAT Sections 14-1 through 14-404 of the Code of Ordinances, City of New Braunfels, Texas all references to the word License shall be amended by replacing the word "License" wherever it appears with the word "Registration."

2. THAT Sections 14-1 through 14-404 of the Code of Ordinances, City of New Braunfels, Texas all references to the word Bond shall be amended by replacing the word "Bond" wherever it appears with the word "Liability Insurance."
SECTION 4

1. THAT Code of Ordinances, City of New Braunfels, Texas is hereby amended by adding a section to be numbered Section 14-3, which section reads as follows:

   Sec. 14-3. Administration and enforcement of codes, ordinances and articles.
   The Building Official of the city shall have the responsibility for the administration and enforcement of these codes ordinances and articles as adopted by Chapter 14, and such official shall have all of the responsibilities called for in these articles and the specifications, rules and regulations adopted by these codes, ordinance and articles.

SECTION 5

1. THAT Code of Ordinances, City of New Braunfels, Texas is hereby amended by adding a section to be numbered Section 14-4, which section reads as follows:

   Sec. 14-4. Interpretation of codes, ordinances and articles.
   The Building Official shall have the authority to render interpretations of these codes, ordinance, and articles; and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of these codes, ordinances and articles. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in these codes, ordinances and articles.

SECTION 6

1. THAT Code of Ordinances, City of New Braunfels, Texas is hereby amended by adding a section to be numbered Section 14-27.5, which section reads as follows:

   Sec. 14-5. Commercial Premium or Overtime Inspection Fees.
   Premium or overtime inspections are those inspections requested for times other than the normal working hours. Fees for premium inspections done after 4:00pm on weekdays and on weekends shall be at a rate of $45.00 per inspection with a minimum of three (3) inspections required.

SECTION 7

1. THAT Section 14-27 Code of Ordinances, City of New Braunfels, Texas is repealed, and a new Section 14-27 is adopted, which shall read as follows:


   (a) The IBC 2006 and the IRC 2006, and all appendices, are hereby adopted and incorporated by reference as the building codes of the city, except as stated in the following.

   (b) Appendix A, IBC, Employee Qualifications is not adopted.

   (c) Appendix B, IBC, Board of Appeals is not adopted.

   (d) Appendix D, IBC, Fire Districts is not adopted.

   (e) Appendix H, IBC, Signs is amended as follows:
      Section 101.2, Signs Exempt from Permits is deleted and replaced with Section 106.9 Code of Ordinances, City of New Braunfels, Texas Signs exempt from regulation or permits.
Delete Section 105.2, IBC and IRC and amended as follows:

1. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
2. Swings and other playground equipment accessory to detached one- and two-family dwellings.

Appendix J, IBC, Grading is not adopted.

Appendix K, IBC, ICC Electrical Code is not adopted.

Appendix I, IRC, Private Sewage Disposal is not adopted.

Appendix L, IRC, Permit Fees is not adopted.

Appendix O, IRC, Gray Water Recycling Systems is not adopted.

Appendix P, IRC, Sprinkling is not adopted.

Appendix Q, IRC Electrical Provisions is not adopted.

All references to the International Electric Code, including those references found in their entirety in Chapter 27, IBC, and Part VIII, Chapters 33-42, IRC are hereby deleted.

All references to the International Existing Building Code, as found in the International Building Code, the International Residential Code and the International Fire Code, are hereby deleted.

All references to the Department of Building Safety, as found in Section R103, IRC and Section 103, IBC, are hereby deleted and shall be known as the Building Department.

All references to the Board of Appeals, as found in Section 112, IRC and the IBC, are hereby deleted and shall be known as the Construction Board of Appeals Section 14-404 of the City of New Braunfels Code of Ordinances.

Delete Section R311.4.1 IRC and replace as follows:

Exit Door Required. Not less than two doors conforming to this section shall be provided for each dwelling unit. The required doors shall provide for direct access from the habitable portions of the dwelling to the exterior without travel through a garage. Access to habitable levels not having two exits in accordance with this section shall be by a ramp in accordance with Section R311.6 or a stairway in accordance with Section R311.5.

Delete Chapter 11 of the IBC and replace as follows:

1. Chapter 11 - Accessibility: All buildings or portions of buildings must comply with the accessibility standards adopted by the state of Texas. All projects shall be submitted to Texas Department of Licensing & Regulation (TDLR) for review, inspection and approval in accordance with state law.

2. Before a contractor applies for a permit for a building or structure subject to section 5(j) of the state Architectural Barriers Act, the contractor shall provide proof that he has registered the construction documents with the TDLR. Proof of registration consists of the project registration number from the TDLR.

3. The Building Official shall have the authority to require registration with TDLR.

4. The Building Official shall require an asbestos survey as required by the Texas Asbestos Health Protection Act (Art. 4472-3a Vernon's Texas Civil Statutes).

Chapter 10, Section 1004.1.1 of the IBC is amended to read as follows:

1004.1.1 Number by Table 1004.1.1. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1

Exception: The Building Official shall have the authority to assign occupancy load that is less than required by Table 1004.1.1.
Delete Chapter 10, Table 1019.2 of the IBC and replace as follows:

### TABLE 1019.2
**BUILDINGS WITH ONE EXIT**

<table>
<thead>
<tr>
<th>OCCUPANCY</th>
<th>MAXIMUM HEIGHT OF BUILDINGS ABOVE GRADE PLANE</th>
<th>MAXIMUM OCCUPANTS (OR DWELLING UNITS) PER FLOOR AND TRAVEL DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, B°, E, F, M, U</td>
<td>1 Story</td>
<td>50 occupants or 50 feet travel distance</td>
</tr>
<tr>
<td>H-2, H-3</td>
<td>1 Story</td>
<td>3 occupants or 25 feet travel distance</td>
</tr>
<tr>
<td>H-4, H-5, I, R</td>
<td>1 Story</td>
<td>10 occupants or 50 feet travel distance</td>
</tr>
<tr>
<td>S°</td>
<td>1 Story</td>
<td>30 occupants or 50 feet travel distance</td>
</tr>
<tr>
<td>B°, F, M, S°</td>
<td>2 Stories</td>
<td>30 occupants or 50 feet travel distance</td>
</tr>
<tr>
<td>R-2</td>
<td>2 Stories</td>
<td>4 dwelling units or 50 feet travel distance</td>
</tr>
</tbody>
</table>

Chapter 9, Section 903.1 of the IBC shall be amended to read as follows:

**903.1 General.** Automatic sprinkler systems shall comply with this section.

Exception: Change of occupancy from any other occupancy other than R-3 will require compliance with this section.

### SECTION 8

1. THAT Section 14-28 Building Code Fees, Code of Ordinances, City of New Braunfels is hereby amended by adding a subsection, which section reads as follows:

   (h) A Temporary Certificate of Occupancy fee of $250.00 shall be paid to the city, with a $100 refund if the permanent Certificate of Occupancy is issued within 30 days of the Temporary Certificate of Occupancy issuance. For each request of extension for the Temporary Certificate of Occupancy, a fee of $100.00 shall be paid to the city.

### SECTION 9

1. THAT Section 14-29 (a) through (c), (g) through (m) and (o) of the Code of Ordinances, City of New Braunfels, Texas is repealed, and

2. THAT a new Section 14-29 (a) through (c), (g) through (m) and (o) is adopted, which subsections shall read as follows:

   (a) General Contractor-Residential shall be licensed with Texas Residential Construction Commission (TRCC). Local registration shall expire in conjunction with the TRCC license on February 28th of each year. The term "general contractor" shall mean and include every person who is engaged in the business of working on, or causing to be worked on, or accepting orders or contracts for work on any building, structure, or property, whether compensated or not compensated, under the IRC 2006 R101.2 Scope. The provisions of the IRC for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures except for the following:

   (1) The term "general contractor-residential" shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a licensed general contractor;
(2) The term "general contractor-residential" shall not apply to the trade of electricians who are licensed separately under city ordinances, nor to plumbing and mechanical trades which are regulated by the state; and

(3) The term "general contractor-residential" shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the city from requiring licensing.

(b) General Contractor-Commercial shall be defined as IBC 2006 Section. 101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(1) Detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the IRC.

(2) General Contractor-Commercial shall be registered with the City of New Braunfels. General Contractor-Commercial local registration shall expire December 31st of each year except for the following:

a. The term "general contractor-commercial" shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a licensed general contractor;

b. The term "general contractor-commercial" shall not apply to the trade of electricians who are licensed separately under city ordinances, nor to plumbing and mechanical trades which are regulated by the state; and

c. The term "general contractor-commercial" shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the city from requiring licensing.

(c) Contractor-limited defined; scope of work.

(1) The term "contractor-limited" or "limited contractor" shall mean a person who is not a general contractor and who is engaged in the business of working on, or causing to be worked on, or accepting orders or contracts for work on any building, structure, or property, whether compensated or not compensated, except for the following:

a. The term "limited contractor" shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a licensed general contractor;

b. The term "limited contractor" shall not apply to the trade of electricians who are licensed separately under city ordinances, nor to plumbing and mechanical trades which are regulated by the state; and

c. The term "limited contractor" shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the city from requiring licensing or permitting.

(2) A limited contractor is considered applicable to such trades as roofing, framing, paving, fencing, and other specialty crafts.
(g) **Registration - Application generally.** Every person desiring to engage in the business of general or limited contractor in the city shall obtain a city registration authorizing him to engage in such business. Individuals desiring such registration shall make application with the Building Official on the form, which may be obtained from the office of the Building Department of the city. For a commercial contractor, the applicant must provide proof of 32 hours of continuing education in the construction industry, along with the other required items listed in Section 14-29. For a residential or limited contractor, the applicant must provide proof of 16 hours of continuing education in the construction industry, along with the other required items listed in Section 14-29. The Building Official may, at his discretion, issue one permit for the initial work of any otherwise approved structure pending approval of the appropriate general or limited contractor's registration. Only individuals shall be so registered, and the registration is not transferable.

(h) **Insurance required.** Before any person shall engage in the business of a general or limited contractor or be granted a registration to do so, he shall first provide the city proof of $1,000,000 liability insurance for general contractor and $300,000 for limited contractor.

(i) **Application for registration - Applicant who has had registration previously denied or revoked.** An applicant for a general or limited contractor's registration who has been denied a registration or had a registration revoked by this city or another entity for any building or related trade must disclose that information to the Building Official at the time of application. Any conviction for a misdemeanor or felony, other than traffic citations, must also be disclosed. Failure to disclose such information will result in automatic disapproval of the application. If the registration is issued and such failure to disclose is discovered later, the registration will be revoked. Any additional legal remedies may also be pursued by the Building Official. Upon disclosure at the time of registration application, the Building Official will make a thorough investigation and weigh carefully all details available prior to approving registration.

(j) **Fee.** Every applicant who shall make application for a general contractor's registration, as provided for in this article, shall pay a fee of $200.00 upon submitting such application.

(k) **Issuance of registration.** A contractor's registration will be issued by the Building Official only after receipt of the insurance required by section 14-29 (h).

(l) **Term of registration.** All registrations issued under the provisions of this article shall expire on December 31st, except the registrations identified under 14-29 (a).

(m) **Registration renewal; fee; requirements for renewal.** A registration holder may renew his general contractor's registration any time during the period within December 1 and 30 calendar days after the date of its expiration by paying an annual renewal fee of $100.00. For commercial contractor renewal, the registrant must provide proof of 16 hours of continuing education in the construction industry. For residential or limited contractor renewal, the registrant must provide proof of 8 hours of continuing education in the construction industry. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued some time within the preceding 24 months. A registration holder who has exceeded the allowed 60 days will be considered as a new applicant should he desire to re-establish his general contractor's registration.

(n) **Procedure for denial, revocation, or suspension of registration or right to obtain permits.** If the Building Official initiates a recommendation for denial, revocation, or suspension of a registration or of a right to obtain permits to work under an adopted code or ordinance of the city, the following procedure will apply:

1. An applicant for registration or a registrant of the city shall have ten business days to request a review hearing to be held before the construction board of appeals as referenced in the City of New Braunfels Code of Ordinances Section 14-404. During the ten-business day period a current registrant shall not be allowed to obtain permits. If the applicant for registration or a registrant fails to request a hearing within ten business days the recommendation of the Building Official shall become final. If a registrant requests a hearing, any denial, revocation or suspension of registration or right to obtain permits shall be stayed pending the decision of the board. The board shall by majority vote affirm or reject the Building Official's recommendation.

2. If the registrant is licensed by the state, such as an electrical contractor, mechanical contractor or plumbing contractor, the process in subsection (1) of this section would apply.
SECTION 10

1. THAT Code of Ordinance, City of New Braunfels, Texas is hereby amended, by adding a section to be numbered Section 14-30, which said section reads as follows:

Sec. 14-30. Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this ordinance or the other technical codes, shall be determined by the Building Official. In addition, other requirements to implement, clarify or set procedures to accomplish the intent of this code may be set in writing by the Building Official and may be posted electronically for public access.

SECTION 11

1. THAT Section 14-51 of the Code of Ordinances, City of New Braunfels, Texas is repealed and a new Section 14-51 is adopted, which said section shall read as follows:

The National Electrical Code 2005 is hereby adopted as the electrical code of the city, except:

(a) Section 80-35, effective date, is not adopted.
(b) Section 80.15 Electrical Board of the National Electrical Code is deleted.
(c) That paragraph 80.23(B) (3) of the 2005 National Electrical Code is deleted.

SECTION 12

1. THAT Sections 14-57 of the Code of Ordinances, City of New Braunfels, Texas is repealed, and a new Section 14-57 is adopted, which said section shall read as follows:

Sec. 14-57. Registration and bond generally.

It shall be unlawful for any corporation, partnership, association, or individual to engage in the business of installing, altering or changing of any electrical wiring and apparatus within any building in the city that does not have a valid, unexpired electrical contractor's registration from the city. The registration must be issued in the name of the individual who met the requirements of this article. Nothing contained in this article shall be construed to prevent a property owner from doing electrical work in a building owned by him to be occupied by him as a dwelling or home of a two-family dwelling or single-family dwelling type; provided, that the property owner must actually perform the work and that no person other than the actual owner shall do any part of the work unless such persons are bonded and possess a electrical contractor's registration in full compliance with all provisions of this article, and further provided, that all work performed and material used meets the requirements of this article and the city electrical inspector's approval.

(a) An applicant for any electrical registration shall make application to the building department on the form provided by that department. All questions on such form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.

(b) Electrical contractor's registration. The applicant must show proof of state licensing and pay a registration fee of $200.00 (new applicants).

(c) Liability insurance required. Before any person shall be issued a electrical contractor's registration, retain such registration or engage in the business of electrical work in the city, he
shall first provide proof of $300,000.00 liability insurance, conditioned that the person engaged in
the electrical business will faithfully observe all the laws pertaining to electric installation and
maintenance, and further, that the city shall be indemnified and saved harmless from all claims
arising from accidents and damage of any character whatsoever caused by the negligence of
such person engaged in the electric business, or by any other unfaithful or inadequate work done
either by the person or his agents or employees.

(d) Upon acceptance of the proof of insurance required under this subsection (c) of the section by the
city, the individual, firm or corporation desiring to do such work shall secure from the building
department of the city an electrical contractor's registration, which shall not be transferable. In the
event of the dissolution of any company or partnership holding such registration, the member in
whose name the registration was issued and who retains such registration shall be required to
renew the certificate of insurance provided for in this section before doing any such work provided
for in this article. The person obtaining an electrical contractor's registration shall pay to the city
the sum of $200.00 for the first year and $75.00 as an annual renewal fee for such registration.
Every registered electrical contractor shall have his city registration in his possession when
performing or supervising electrical work.

(e) Master electrician's registration. The applicant must show proof of state licensing or 12000 hours
experience, pass the Texas Standard Electrical test from the International Code Congress and
pay a registration fee of $100.00. No insurance is required of a master electrician, and he may
not be issued an electrical permit except that this restriction shall in no way deprive him of
property owner's rights available to any citizen as described elsewhere in this article. The person
obtaining a master electrician's registration shall pay the sum of $100.00 for the first year and the
sum of $50.00 as an annual renewal fee for such registration. Every master electrician shall have
his city registration in his possession when performing or supervising electrical work. A properly
registered master electrician is considered qualified to provide immediate permitted job-site
supervision of electrical installations, provided that he is under the general, which may include
permitted job-site supervision by the electrical contractor who holds the permit issued in
accordance with this article.

(f) Journeyman electrician's registration. The applicant must show proof of state licensing or 8,000
hours experience, pass the Texas Standard Electrical test from the International Code Congress
and pay a registration fee of $100.00. No insurance is required of a journeyman electrician, and he
may not be issued an electrical permit except that this restriction shall in no way deprive him of
property owner's rights available to any citizen as described elsewhere in this article. The person
obtaining a journeyman electrician’s registration shall pay the sum of $100.00 for the first year and the
sum of $50.00 as an annual renewal fee for such registration. Every journeyman electrician shall have his
city registration in his possession when performing or supervising electrical work. A properly
registered journeyman electrician is considered qualified to provide immediate permitted job-site
supervision of electrical installations, provided that he is under the general, which may include permitted job-site supervision by the electrical contractor who holds the permit issued in
accordance with this article.

(g) Wireman electrician's registration. The applicant must show proof of state licensing or 4,000
hours experience, pass the Texas Standard Electrical test from the International Code Congress
and pay a registration fee of $50.00. No insurance is required of a wireman electrician, and he
may not be issued an electrical permit except that this restriction shall in no way deprive him of
property owner's rights available to any citizen as described elsewhere in this article. The person
obtaining a wireman electrician's registration shall pay the sum of $50.00 for the first year and the
sum of $25.00 as an annual renewal fee for such registration. Every wireman electrician shall have his
city registration in his possession when performing electrical work. A wireman electrician
may supervise no more that one apprentice electrician at the permitted job-site location, and is
limited to single family and duplex residences only.

(h) Maintenance electrician's registration. The applicant must show proof of state licensing or 8,000
hours experience, pass the Texas Standard Electrical test from the International Code Congress
and pay a registration fee of $50.00. No insurance is required of a maintenance electrician, and he
may not be issued an electrical permit except that this restriction shall in no way deprive him of
property owner's rights available to any citizen as described elsewhere in this article. The person
obtaining a maintenance electrician's registration shall pay the sum of $50.00 for the first year and the
sum of $25.00 as an annual renewal fee for such registration. Every maintenance
electrician shall have his city registration in his possession when performing electrical work. A maintenance electrician shall perform his duties only for the Company for which he is employed.

(i) Sign electrician's registration. The applicant must show proof of state licensing or 12,000 hours experience, pass the Texas Standard Electrical test from the International Code Congress and pay a registration fee of $50.00. No insurance is required of a sign electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. The person obtaining a sign electrician's registration shall pay the sum of $50.00 for the first year and the sum of $25.00 as an annual renewal fee for such registration. Every sign electrician shall have his city registration in his possession when performing electrical work. A sign electrician shall perform his duties under the direct, permitted job-site supervision of a journeyman or electrical contractor who holds a valid city registration.

(j) Apprentice electrician. An electrical contractor may employ a person as an apprentice electrician and such person shall be identified by the issuance of an apprentice electrician's registration by the city. The cost of such registration will be $25.00 annually. Every apprentice shall have his city registration in his possession when performing electrical work. An apprentice electrician shall perform his duties under the direct, permitted job-site supervision of a wireman, journeyman or electrical contractor, who holds a valid city registration.

(k) All registrations issued under the provisions of this article shall expire on June 30th of each year, unless sooner revoked.

(l) Any holder of an expired registration issued under the provisions of this article may renew such registration within 30 days of its expiration by paying the annual renewal fee for such registration. A holder of a registration issued under the provisions of this article, which has expired in excess of 30 days, shall be considered as a new applicant.

(m) Any person who has applied for an electrician's registration and who has been refused such registration by the administrative authority of this article may apply to the construction board of appeals for a full hearing.

SECTION 13

1. THAT Sections 14-58 and 14-59 (b) (c) (d) of the Code of Ordinances, City of New Braunfels, Texas are deleted.

2. THAT a new Section 14-59 (b) is adopted, which section shall read as follows:

   (b) New commercial construction. Electrical conductors shall be installed in conduit and will meet the requirements of the National Electrical Code, currently adopted edition.

   Exception: Any multi-family construction three (3) stories or less shall not apply but shall meet the requirements of the National Electrical Code, currently adopted edition.

3. THAT a new Section 14-59 (c) of the Code of Ordinances, City of New Braunfels, Texas is adopted, which section shall read as follows:

   (c) Existing buildings.

   (1) If an existing unsafe condition is discovered by the electrical inspector that, in the opinion of the inspector, requires immediate correction, he will issue verbal and written instructions to the property owner requiring such corrections as needed and/or proceed in accordance with subsection 14-56 (c).

   (2) If an existing building is condemned for any reason under the provisions of the adopted building code, the electrical wiring within that building and/or premises shall be required to be upgraded to new construction standards before electrical power is restored.

   (3) Should the electrical meter loop be judged inadequate or substandard by the
(i) Drain Cleaner’s Registration. The applicant must show proof of registration by the State Board of Plumbing Examiners, completed at least 4000 hours working under the supervision of a Master Plumber as a registered Drain Cleaner-Restricted Registrant and pay an annual registration fee of $10.00. A drain cleaner shall perform his duties under the direct supervision of a journeyman or master plumber, who holds a valid city license.

(j) Plumber’s Apprentice Registration. A master plumber may employ a person as an apprentice plumber and such person shall show proof of registration by the State Board of Plumbing Examiners and pay an annual registration fee of $10.00. An apprentice plumber shall perform his duties under the direct supervision of a journeyman or master plumber, who holds a valid city license.

(k) Any holder of an expired registration issued under the provisions of this article may renew such license within 30 days of its expiration by paying the annual fee for such registration. A holder of a registration issued under the provisions of this article, which has expired in excess of 30 days, shall be considered as a new applicant.

(l) Any person who has applied for a plumber’s registration and who has been refused such registration by the administrative authority of this article may apply to the Construction Board of Appeals for a full hearing.

SECTION 15

1. **THAT** Sections 14-116 of the Code of Ordinances, City of New Braunfels, Texas is repealed and a new Section 14-116 is adopted, which section shall read as follows:


   (a) The International Mechanical Code 2006 and all its appendices are hereby adopted as the Mechanical Code of the City, except as stated in the following:

   (b) Appendix B, Recommended Permit Fee Schedule, paragraph 106.5 Fees, paragraph 108.4 Violation penalties, and Section 109 Means of Appeal are not adopted.

SECTION 16

1. **THAT** Section 14-118 of the Code of Ordinances, City of New Braunfels, Texas is amended by adding paragraph (c), which section shall read as follows:

   Sec. 14-118. Registration and Insurance Generally.

   (c) An annual registration fee of $100.00 shall be paid to the City of New Braunfels by mechanical contractors and must show proof of licensing by the Texas Department of Licensing and Regulations. Every registered mechanical contractor shall have his license in his possession when performing or supervising mechanical work and shall have his company name and license number affixed to each company vehicle.

SECTION 17

1. **THAT** Sections 14-154 of the Code of Ordinances, City of New Braunfels, Texas is repealed and a new Section 14-154 is adopted, which section shall read as follows:

   Sec. 14-154. Violation declared misdemeanor.

   Any person, firm, corporation, agent, or entity that violates a provision of this chapter, or fails to
comply therewith or with any of the provisions thereof; or violates a detail, statement, plan, or specification for a permit approved thereunder, shall be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than $2000.00 for each day and each offense upon conviction in a court of competent jurisdiction.

SECTION 18

1. THAT Sections 14-176 of the Code of Ordinances, City of New Braunfels, Texas is repealed and a new Section 14-176 is adopted, which section shall read as follows:


(a) The International Fuel Gas Code 2006 and all its appendices are hereby adopted as the Fuel Gas Code of the City, except as stated in the following:

(b) Paragraph 106.5 Fees, paragraph 108.4 Violation penalties, and Section 109 Means of Appeal are not adopted.

(c) Paragraph 108.5 Stop Work Orders is deleted and amended as follows:

108.5 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to be cited and subject to a fine as determined by law and this chapter.

SECTION 19

1. THAT Section 14-201 of the Code of Ordinances, City of New Braunfels, Texas is repealed and a new Section 14-201 is adopted, which section shall read as follows:


(a) The International Property Maintenance Code 2006 and all its appendices are hereby adopted as the Property Maintenance Code of the City, except as stated in the following:

(b) Section 110. Demolition, paragraph 110.2, Notices and Orders is amended by adding the following sentence to paragraph 110.2: All demolition procedures, notices and orders shall comply with Chapter 50 of the Code of Ordinances, City of New Braunfels, Texas.

(c) Section 103.5 Fees is not adopted and is replaced with the following:

Section 103.5 Fees. There shall be no fee charged for an inspection. If a violation is noted requiring a re-inspection to determine if the violation is abated, a re-inspection fee of $35.00 shall be paid for each violation re-inspected by the owner or agent for the owner.

(d) Section 111 Means of Appeal is not adopted.

(e) The first phrase in Section 303.14 Insect Screens, which states "During the period from [date] to [date]" is deleted and replaced with the following phrase: "At all times. . . . . ."
(f) The dates in Section 602.3 Heat supply shall be from November 1 to April 1.

(g) Sections 604.2 Service is amended by replacing the words "ICC Electrical Code" with the words "National Electrical Code adopted by the City".

SECTION 20


SECTION 21

1. THAT Section 14-301, Energy Conservation Code of the Code of Ordinances, City of New Braunfels, Texas is repealed and a new Section 14-301, Energy Conservation Code is adopted, which section shall read as follows:

Article IX. Energy Conservation Code.

Section 14-301 is added Energy Conservation Code.

(a) The International Energy Conservation Code 2006 and its appendix is hereby adopted as the City Energy Conservation Code, except as noted in the following:

Section 105.5. Reinspection fee is added as follows:

Section 105.5 Re-inspection Fees. A fee of $35.00 must be paid to the city for each re-inspection of work authorized under this code. The person or agent to whom the permit was issued prior to any re-inspection must pay the re-inspection fee.

SECTION 22

1. THAT Sections 14-404 (b) of the Code of Ordinances, City of New Braunfels, Texas is repealed and a new Section 14-404 (b) is adopted, which section shall read as follows:

(b) Application. The application for appeal shall be filed on a form obtained from the Building Official within 10 days after the notice was served. An application fee of $200.00 for residential or $300.00 for commercial shall be paid to the city by applicants desiring an audience before the Construction Board of Appeals.

SECTION 23

THAT all provisions of the Code of Ordinances of the City of New Braunfels, Texas not herein amended or repealed shall remain in full force and effect.

SECTION 24

THAT all other ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 25

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 26

THIS ordinance will take effect sixty days after the second and final reading of same.
PASSED: First Reading this the ___ day of ___________, 2008

PASSED AND APPROVED: Second Reading this the ___ day of ___________ 2008.

CITY OF NEW BRAUNFELS

By: ___________________________

BRUCE BOYER, Mayor

ATTEST:

MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:

Alan C. Wayland, City Attorney
REQUEST:

CONSIDER AN ORDINANCE AMENDING CHAPTER 54 OF THE FIRE CODE OF ORDINANCES BY ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE; MAKING VARIOUS AMENDMENTS, DELETIONS, AND MODIFICATIONS TO THE 2006 INTERNATIONAL FIRE CODE; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

BACKGROUND:

The City of New Braunfels is currently under the 2003 International Fire Code, and should be brought up to current building standards to be consistent with other municipalities in the State.

Summary:

The City Fire Department has advised local builders and contractors of the City's intention to adopt the 2006 ICC Fire Code.

The City Fire Department recommends adopting, with deletions, modifications and amendments, the "2006 International Fire Code. Recommendations proposed by the City Council have been incorporated.
AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 54, "FIRE PREVENTION AND PROTECTION; EMERGENCY MEDICAL SERVICES" OF THE CODE OF ORDINANCES CITY OF NEW BRAUNFELS, TEXAS, BY ADOPTING, WITH MODIFICATIONS AND AMENDMENTS, THE "2006 INTERNATIONAL FIRE CODE"; MAKING VARIOUS AMENDMENTS, DELETIONS, AND MODIFICATIONS TO THE "2006 INTERNATIONAL FIRE CODE"; ESTABLISHING RELATED PERMIT FEES AND PENALTIES; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City of New Braunfels is currently under the 2003 International Fire Code and should be brought up to current fire standards to be consistent with other municipalities in the State; and,

WHEREAS, the Fire Department of the City of New Braunfels recommends adopting, with deletions, modifications and amendments, the "2006 International Fire Code" (Fire Code); and,

WHEREAS, the Fire Code regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and,

WHEREAS, Staff recommends amending Chapter 54, "Fire Prevention and Protection; Emergency Medical Services" of The Code of Ordinances City of New Braunfels, Texas to establish related permit fees and penalties; and,

WHEREAS, the City Council hereby repeals all other ordinances or parts of ordinances in conflict herewith; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Article III. "FIRE PREVENTION", Section 54-86 "International Fire Code; and amendments", and Section 54-87 "Fire Prevention and Protection Fees" of "The Code of Ordinances City of New Braunfels, Texas", are hereby repealed in their entirety and amended to read and provide as follows:

ARTICLE III. FIRE PREVENTION
Sec. 54-86. International Fire Code; and amendments.

(a) Adopted. The International Fire Code, 2006 edition, (IFC) including appendixes A, B, D, E, F, G and H thereto, as published by the International Code Council, Inc. are hereby adopted and incorporated by reference as the fire code of the city, subject to and including by reference such amendments as shall appear in this article.

(b) Amendments, modifications, and deletions to the 2006 International Fire Code. Amendments, modifications, and deletions to the 2006 International Fire Code are adopted as follows:

Section 101 is amended by adding the following:

101.6 Nothing within this code shall be construed as limiting the application and enforcement of this code in areas such as the Extra-Territorial Jurisdiction (ETJ) of the City as may be allowed by local, state, or federal laws, ordinances, or codes.

Section 102.6 is amended to read as follows:

102.6. Referenced code and standards. The codes and standards referenced in the IFC shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of the IFC and the referenced standards, the more stringent provision shall apply. This determination shall be made by the code official.

Section 103.2 is deleted.

Section 107.4 is amended to read as follows:

107.4. Rendering equipment inoperative.

(a) Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

(b) No fire protection system may be taken out of service or allowed to remain out of service beyond normal working hours without the prior approval of the code official. The code official shall be notified prior to any fire sprinkler or standpipe system being temporarily or permanently removed from service. No operation protected by a fire suppression system may be used or operated while the fire suppression system is out of service.

Section 108.1 is amended to read as follows:
108.1 Construction board of appeals. The construction board of appeals will hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code.

Section 109.3 is amended to read as follows:

109.3. Violation penalties. Persons who violate this code or who fail to comply with any of the requirements in this code, or who erect, install, alter, repair or do work in violation of the approved construction documents or contrary to the directives of the code official or in violation of a permit or certificate issued under provisions of this code, shall be assessed a fine up to $2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 is amended to read as follows:

111.4. Failure to comply. Any person who continues work after having been served with a stop work order, except such work the code official has directed to be performed to remedy a violation or unsafe condition, shall be subjected to a fine not to exceed $2,000.

The following definitions in Section 202 are amended to read as follows:

Code official. The Code Official is the Building Official except where specifically described as the Fire Code Official.

Fire Code official. The fire marshal or a duly authorized representative charged with the duties of administration and enforcement of the code.

Facility. A building or use in a fixed location, including exterior storage areas, piers, wharves, tank farms, and similar uses. This term includes recreational vehicles, mobile home parks, manufactured housing parks, sales lots, and storage lots.

Fire Watch. A temporary measure intended to ensure continuous and systematic surveillance of a building and portion thereof by one (1) or more fire marshal approved individuals for the purpose of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire, and notifying the fire department.

Section 307 is amended to read as follows:

307.1 Open burning. It shall be unlawful to burn or cause to be burned any combustibles including uncut grass, weeds, timber, rubbish, leaves, or other natural or synthetic materials on any street, alley, lot, or premises without a permit. Such prohibited fires shall include bonfires and fires used for ceremonial purposes.
307.2. Permits. A permit or authorization from the fire code official shall be obtained in accordance with §105.6 before engaging in open trench burning or open air burning of dead livestock. Such permits shall be valid for a period of 45 days.

307.2.2. Some fires prohibited. The fire code official may prohibit any or all burning, including permit burning, when the atmospheric conditions or circumstances make such fires hazardous.

Subsection 307.4 is deleted and a new subsection 307.4 is added to read as follows:

307.4 Location. The location for burning of dead livestock shall not be less than 150 feet from any structure and 300 feet from any adjoining property line. Open trench fires shall be located no less than 1500 feet from any structure or adjoining property line.

307.4.1. The area surrounding any open trench burning operation shall be cleared of all potential combustibles for a distance of not less than 50 feet.

307.4.2. The approved time for the burning of open trench fires shall be from one hour after sunrise to one hour before sunset, at which time the fire shall be completely extinguished. No additional fuel items shall be placed in the fire trench after 3:00 p.m.

Subsection 307.5 is amended to read as follows:

307.5 Attendance. A competent person shall constantly attend an approved burn until the fire is extinguished. Such person shall have adequate fire fighting equipment immediately available for use to extinguish the fire.

Section 308 is amended by adding the following:

308.1.1 Approved Signage. A sign, placard, or decal no less than 24 square inches in size with bold lettering, contrasting in color to its background no less than ¼” high stating, “PROHIBITED THE USE/STORAGE OF ANY GRILL, BARBECUE, OR SMOKER WITHIN 10 FEET OF BUILDING OR OVERHANG NEW BRAUNFELS FIRE CODE $2,000 FINE” and with graphics as indicated in the illustrations below:

Graphic link: approved sign

Grill. A cooking utensil on which food is exposed directly to red heat or open flame as from heated briquettes, charcoal, electricity, natural gas, propane compressed gas, or wood, which is commonly referred to as a barbecue grill, hibachi, or smoker.

Section 308.3 is amended by adding the following subsection:
308.3.1 Outdoor cooking. It is unlawful to use or to store a charcoal burner, open flame, LP gas burner, outdoor grill, barbecue, or other outdoor cooking appliance with open flame on the premises of a residential building with three or more dwelling units or of a multifamily residential building with two or more stories. The provision does not apply to the use of permanently mounted outdoor cooking devices located ten or more feet from any structure.

Section 308.3.1.1 is amended to read as follow:

308.3.1.1 It is unlawful for any person to own or manage R-1, R-2, or R-4 occupancy without installing and maintaining on each balcony and patio of each dwelling unit and guest room approved signage readily visible to the occupants prohibiting the use/storage of any barbecue grill or smoker.

308.3.1.2 It is unlawful for any person to own or manage R-1, R-2, or R-4 occupancy without maintaining written proof, available to City of New Braunfels inspectors upon request, that approved signage has been installed on each balcony and patio of every dwelling unit and guest room. Such proof may be in the form of a lease addendum in which the tenant acknowledges that such signage exists, by picture, or by other means that would prove that the signage exists.

Section 315.2 is amended by adding the following subsection:

315.2.5. High-piled combustible storage. High-piled combustible storage shall comply with section 2301.

Section 401.1 is amended by deleting the exception.

Section 403 is amended by adding the following:

403.1.2. Enforceability. The public safety plan, as described in 403.1.404 and approved by the fire code official, shall be complied with and is enforceable under provisions of this code. Any violation of the plan shall be punishable by a fine of not less than $500.00.

Section 503.1.1 is amended to read as follows:

503.1.1. Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45,720 mm) where:
1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.3.1.3;

2. Fire apparatus access roads cannot be installed due to location on property, topography, waterways, non-negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided; or

3. There are not more than two Group R-3 or Group U occupancies.

Section 503.2 is amended to read as follows:

Section 503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D.

Section 503.2.2 is amended to read as follows:

503.2.2 Authority. The code official shall have the authority to require an increase or permit a decrease in the minimum access widths if the code official deems the change appropriate for the specific location.

Section 503.2.4 is amended to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be a minimum of 35 feet inner radius and 55 feet exterior radius or shall be approved by the fire code official.

Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 6 percent in grade.
   Exception: Grades steeper than 6 percent as approved by the fire code official.

Section 503.2.8; add section to read as follows:

503.2.8 Fire Lane Site Plan.
   When fire lanes are required in accordance with the provisions of this article, the owner, builder, or developer shall submit a fire lane site plan in an approved format. Construction of the building shall not begin until the fire lane site plan has been approved.

Section 503.3 is amended to read as follows:

503.3 Marking. Approved markings, signs, or other notices to identify such roads or prohibit the obstruction thereof shall be provided for fire apparatus access roads.
The Fire code official shall provide the acceptable standards and specifications. Signs, markings, and other notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Section 503.4 is amended by adding the following exception:

Exception: Where specifically allowed by the code official.

Section 505.1 is amended to read as follows:

505.1. Address numbers. New and existing buildings shall have their address numbers, building numbers, or building identification placed in a position to be plainly legible and visible from the opposite side of the street or road fronting the property. The numbers and letters shall contrast with their background and shall be a minimum of six inches in height for commercial buildings and four inches in height for residential building. The numbers and letters shall have a minimum stroke width of .5 inches (12.7mm).

Section 506 is amended by adding the following subsection:

506.3. Lock boxes. Lock boxes approved by the code official shall be installed in all new buildings that have fire sprinkler systems, alarm systems, or other fire protection systems that are connected to an alarm service.

Section 508.3 is amended to read as follows:

508.3. Fire flow. The purpose of this section is to provide direction for the design and installation of fire service and water utilities. This section shall be used in conjunction with all other adopted and referenced codes and standards. If this section conflicts with other codes or standards, the most restrictive shall apply.

508.3.1 Definitions.

*Commercial* means the use of a building or structure for commercial operations including, but not limited to, hotels, motels, apartments, and dwellings excluding one and two family dwellings.

*Residential* means a one or two family dwelling.

508.3.2. Fire flows required.

(a) Every fire hydrant shall be capable of providing a minimum flow of 500 gpm in areas zoned residential and 1500 gpm in areas zoned commercial or industrial.
(b) Fire hydrant flows determined by the Insurance Services Organization's (ISO) Fire Suppression Rating Schedule shall be provided for all new buildings and changes of occupancy classification in existing buildings. Calculations are in Appendix B.

(c) Fire hydrant flows for buildings provided with fire sprinkler systems shall either meet the requirements of subsection (b) or not be less than the required flow of the sprinkler system plus 500 gpm.

(d) The flow requirements listed in this section shall be met with a minimum of 20 pounds per square inch residual. This residual must be maintained in residential, commercial, and industrial areas. Flow in residential areas is to be calculated at 1.5 gpm per living unit.

(e) If the fire code official determines that an occupancy is of a hazardous nature, or if special hazards exist in addition to the normal hazard of the occupancy, section 901 of the International Fire Code shall apply.

Section 508.5 is amended to read as follows:

508.5. Fire hydrant systems

(a) A fire hydrant is a national standard three-way hydrant connected to six-inch or larger water mains.

(b) A two-way fire hydrant is not recognized unless it was installed before October 15, 1952 or it was installed in conjunction with nationally approved sprinkler systems.

(c) Fire hydrants shall conform to the AWWA Standard for Dry-Barrel Fire Hydrants, C502 or the latest revision thereof.

(d) Fire hydrants shall have one 4.5 inch steamer and two 2.5 inch side connections with National Standard threads.

(e) Hydrants must be located so that no portion of any new structure is more than 500 feet, as the hose lies, on accessible approved roadways.

(f) Hydrants shall be spaced no less than every 600 feet in residentially zoned areas (R1 and R2) and no less than one every 300 feet in commercial and industrial zoned areas and to include heavily congested residential areas (R3).

(g) The New Braunfels Utilities Engineering Department shall have the authority to develop and approve new fire hydrant installation methods and standards consistent with the application of this section.

(h) Fire hydrants shall be installed such that the center of the main outlet on the front of the hydrant is not less than 18 inches from final grade level. The main outlet shall face the street adjacent to the hydrant.

(i) The New Braunfels Utilities and the City Fire Department reserve the right to limit purchases of fire hydrants to traffic models equipped with a safety flange on the hydrant barrel and stem, manufactured by the following manufacturers, provided such products conform to the provision contained herein:

Muller Company; and American-Darling Valve and Manufacturing Company.
A copy of the fire hydrant specifications can be obtained from either New Braunfels Utilities or the New Braunfels Fire Department.

Section 508.5.1 exceptions are amended as follows:

Exceptions:

1. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with 903.3.1.1 or 903.3.1.2, the distance requirement shall be 500 feet.

Section 508.5.2 is amended to read as follows:

508.5.2.1. Cost – The cost of maintaining fire hydrants on private property will be the burden of the occupant and/or owner of that property.

Section 508.5.3 is amended to read as follows:

508.5.3. Water mains required.

(a) Water mains shall be at least eight inches and large enough to supply the required fire flows. Consideration will be given for 6-inch pipe in cul-de-sacs less than 400 feet in length. All developers shall provide an engineer certified computer model to the fire and utilities departments. The model shall indicate the minimum fire flows that will be met. Existing mains shall be brought into compliance with this requirement when they undergo major repairs or when the fire flow demands exceed the existing fire flows.

(b) New eight-inch dead-end main more than 1320 feet long must be looped.

(c) New eight-inch looped main shall not exceed 2500 feet, unless approved by the fire and utility departments.

(d) Any six-inch lead lines for hydrants cannot exceed 100 feet and, in no case, reduce the amount of required fire flow.

(e) Private fire service mains and water tanks shall be inspected, tested, and maintained in accordance with NFPA 25.

Section 508.5.4 is amended to read as follows:

508.5.4. Obstruction. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall neither be placed within five feet nor kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. No person shall place or maintain an obstruction near fire protection equipment or a fire hydrant so that the fire department is deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
Section 508 is amended by adding the following:

508.5.7. Marking. All fire hydrants located in the city shall be identified with a blue reflector affixed to the pavement so that a hydrant is readily visible to arriving fire companies. On unpaved streets, a blue reflector shall be affixed to a post as close as practicable to the edge of the roadway so as to be visible. Specifications of type and placement of markers shall be obtained from the fire prevention office.

508.5.7.1. The developers and/or landowners of newly developed water distribution systems for subdivisions, shopping malls and private land use shall be responsible for the cost and installation of the hydrant spotters required by this section.

Section 603.4 is amended to read as follows:

Exception: Unvented fuel-fired heaters that are listed and approved for installation in one- and two-family dwellings may be used therein.

Section 604.2.15.3 is amended to read as follows:

604.2.15.3. Emergency systems. Exit signs, exit illumination as required by Chapter 10, and elevator car lighting are classified as emergency systems and shall operate within ten seconds of failure of the normal power supply for egress lighting and shall be capable of being transferred to the standby source.

Section 605.5.1 is amended to read as follows:

605.5.1. Power supply. Extension cords shall be plugged directly into an approved receptacle and, except for approved multiplug extension cords, shall serve only one portable appliance.

Section 605.9 is amended to read as follows:

605.9. Temporary wiring. Temporary wiring for electrical power and lighting installations is not allowed to exceed a period of 90 days. This includes decorative holiday lighting, carnivals and similar purposes. Temporary wiring methods shall meet the applicable provisions of the ICC International Electrical Code or National Electrical Code as adopted. Temporary power supply and wiring for construction purposes shall be excluded.

Section 605 is amended by adding the following:

605.11. Labels for disconnecting means. Each disconnecting means for each service feeder, or branch circuit shall be legibly marked to indicate its purpose at the point where it originates. Where the service feeder or branch is located on a building or other structure, a description of the device and address of the building must be prominently displayed utilizing a marking of sufficient durability to withstand the
environment involved. A list of acceptable marking devices and labels can be obtained through the electric utility department.

Section 807.4.3.2 is amended to read as follows:

807.4.3.2 Artwork. Posted flammable or combustible paper or plastic materials on walls shall be limited to not more than 20 percent of the wall area in corridors and not more than 50 percent of the wall area of each wall in classrooms. Artwork and teaching materials are not an exception to this requirement.

Section 807.4.4.2 is amended to read as follows:

807.4.4.2 Artwork. Posted flammable or combustible paper or plastic materials on walls shall be limited to not more than 20 percent of the wall area in corridors and not more than 50 percent of the wall area of each wall in classrooms. Artwork and teaching materials are not an exception to this requirement.

Section 903.1.1 is amended to read as follows:

903.1.1. An approved automatic fire sprinkler system meeting the requirements of section 903 shall be installed in buildings as follows:

(a) Any building constructed after the effective date of this ordinance, excluding R-3 occupancy, having a fire area exceeding 6,000 sq. ft.

Exceptions:

(1) If there is a conflict between this section and other sections of this code, the most restrictive requirement shall apply.

(2) Open parking garages in compliance with Section 406.3 of the International Building Code.

(b) Any attached construction, alteration, or addition to an existing structure of any group, other than R-3, after the effective date of this ordinance, that causes the structure to exceed 6,000 sq. ft. and fifty percent of the floor area of the preexisting structure. In any event any construction, alteration, or addition that results in the building exceeding 20,000 square feet shall require the building to be sprinklered, and if there is a conflict between this section and other sections of this code, the most restrictive requirement shall apply. For purposes of this section, an automatic fire sprinkler system is to be installed in the non-conforming or existing structure in addition to the new construction area.

(c) Change of Occupancy from any occupancy, other than R-3, will require compliance with this section.

Section 903.2.10; is amended by adding 903.2.10.4, 903.2.10.5 and 903.2.10.6
903.2.10.4 High Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4,572 mm), see Chapter 23 to determine if those provisions apply.

903.2.10.5 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

903.2.10.6 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities constructed after February 1, 2008. A screen shall be installed at eighteen (18) inches below the level of the sprinkler heads to restrict storage above that level. This screen shall be a mesh of not less than one (1) inch nor greater than six (6) inches in size. The screen and its supports shall be installed such that all elements are at least eighteen (18) inches below any sprinkler head.

Section 903 is amended by adding section 903.3.1.4

903.3.1.4 Installation. Automatic sprinkler and standpipe systems shall be installed with the following:
1. Fire department connections serving more than 500 GPM shall be provided with one 5-inch Storz connection and one 2 ½ inch connection with locking Knox caps.

2. A single underground supply and point for the Fire Department Connections (FDC) shall be provided for all buildings.

3. All inspectors’ test, ball-drips, and main-drains shall be piped directly to the outside of the building.

Section 906.1 is amended by deleting the exception.

Chapter 11 is amended by adding section 1108.1


Section 2204 is amended to read as follows:

2204.3 Unattended self-service motor fuel-dispensing facilities. Unattended self-service motor fuel-dispensing facilities shall comply with Sections 2204.3.1 through 2204.3.13

Section 2204 is amended by adding section 2204.3.8

2204.3.8 Extinguishing system. All dispensing areas shall be equipped with a UL 1254 compliant pre-engineered dry chemical extinguishing system, including end of island protection. The system shall be designed and installed to protect the entire spill and hazard area. If unusual conditions, procedures or obstacles are present
which may adversely affect the performance of the overhead system, special application ground nozzles may be installed in addition to the overhead system, this shall be noted on the plans.

2204.3.9 All fire suppression systems shall be installed, and maintained by companies and persons holding the required certificates of competency and registrations issued by the State Fire Marshals Office.

2204.3.10 All fire suppression systems shall be maintained in accordance with the provisions of NFPA 17, and the manufacturers specifications.

2204.3.11 The concrete pad surrounding the dispensing island shall be installed as level as possible. The positive limit barrier shall be installed in this pad with the outer groove located no further than the protected hazard area as defined by each suppression system design.

2204.3.12 A means to instantly disconnect the power to all dispensers and activate the suppression system shall be conspicuously marked and located at the control console.

2204.3.13 190°F (maximum) electric thermostat detectors shall be installed on 15-foot (maximum) centers in a single line over the center of the island, for islands up to 6 feet wide. For wider islands two rows of detectors shall be located one foot in from each curb. If a canopy is provided, detectors shall be located on the underside (15 foot maximum height) of the canopy. If there is no canopy, the detector(s) shall be mounted to the underside of a 18” by 18” by 2” heat collector, which shall be located no higher than the nozzles.

Section 2302 is amended by adding a second paragraph to the definition of “High-Piled Combustible Storage” to read as follows:

Any nonresidential building exceeding 6,000 sq. ft that has a clear height in excess of 12 feet, shall be considered to be high-piled storage and shall comply with the provisions of this section. When a specific product cannot be identified, a fire protection system shall be installed as for Class IV commodities, to the maximum pile height.

Section 2404.15.4 is amended to read as follows:

2404.15.4 Operations such as warming of foods, cooking demonstrations, and similar operations that use solid flammables, butane, or other similar devices which do not pose an ignition hazard may be approved.

Section 3204.3.1.1 is amended to read as follows:
3204.3.1.1 Location. Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited, unless otherwise approved by the fire official.

Section 3301.1.3, exception 4, is deleted.

Section 3404 is amended to add new subsections 3404.2.7.1.1, 3404.2.7.1.2, 3404.2.7.1.4 and 3404.2.7.1.5 to read as follows:

3404.2.7.1.1. Vaulted above ground tanks shall consist of an interior steel tank which is U.L. listed in accordance with U.L. Standard 142 “Steel Aboveground Tanks for Flammable and Combustible Liquids” and a secondary containment liner located within the concrete vault. The entire vaulted tank assembly shall be U.L. listed in accordance with U.L. Subject 2085, Protected Type.

3404.2.7.1.2. All interior steel tanks of vaulted aboveground tanks shall meet the requirements of NFPA 30 for aboveground tanks including those for venting.

3404.2.7.1.3. All steel tank openings within the vaulted aboveground tanks shall be threaded except for detector tubes.

3404.2.7.1.4. All portions of the interior steel tank within the vaulted aboveground tank, and secondary containment liner, shall be enclosed in no less than six (6) inches of reinforced concrete with all openings located above the normal liquid level.

3404.2.7.1.5. All vaults for vaulted aboveground tanks shall meet the following requirements:

1. Be placed on a reinforced concrete pad adequate to support the loading of a full vault in accordance with manufacturers’ recommendations;

2. Have a five gallon minimum over-fill containment;

3. Have leak detection devices installed and operational at all times.

Section 3406.2.4.4 is amended to read as follows:

3406.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited unless otherwise approved by the fire official. The aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons, unless otherwise approved by the fire official.

Section 3804.2 is amended to read as follows:
3804.2 Maximum capacity within established limits. Tanks are prohibited unless otherwise approved by the fire official. The aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons, unless otherwise approved by the fire official.

Appendix B is amended to read as follows:

Appendix B
Fire Flow Calculations

The following information is a summary and is provided to assist in understanding the required fire flow calculation method. Refer to the Insurance Services Organization’s (ISO) Fire Suppression Rating Schedule for actual calculations. Where any question or discrepancy exists Fire Suppression Rating Schedule should be followed.

The ISO’s method for calculation of fire flows considers the square footage, type of construction, type of occupancy, exposure, and communication of the building to be protected. The required fire flow (“F”) is determined as follows where:

\[ F = 18 \times O \times E \times M \times C \times A \]

The effective area is the sum of 100 per cent of the ground floor and 50 per cent of all additional floors. The final result is rounded to the nearest 250 gpm up to 2500 gpm and to the nearest 500 gpm beyond 2500 gpm.

*See the ISO Fire Suppression Rating Schedule for details on calculation.

Residential Construction

For one and two family dwellings not exceeding two stories in height, the following fire flows shall be used.

TABLE INSET:
<table>
<thead>
<tr>
<th>Distance between buildings</th>
<th>Required fire flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 100 feet</td>
<td>500 gpm</td>
</tr>
<tr>
<td>31-100 feet</td>
<td>750 gpm</td>
</tr>
<tr>
<td>11-30 feet</td>
<td>1000 gpm</td>
</tr>
<tr>
<td>10 feet or less</td>
<td>1500 gpm</td>
</tr>
</tbody>
</table>

Commercial Construction

Maximum square footage by construction type and gpm fire flow (without modification for occupancy and exposures)

TABLE INSET:

<table>
<thead>
<tr>
<th>GPM</th>
<th>Fire Resistive</th>
<th>Non-Combustible</th>
<th>Ordinary</th>
<th>Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>1500</td>
<td>22,611</td>
<td>12,719</td>
<td>8,140</td>
<td>3,618</td>
</tr>
<tr>
<td>1750</td>
<td>30,109</td>
<td>16,936</td>
<td>10,839</td>
<td>4,817</td>
</tr>
<tr>
<td>2000</td>
<td>38,678</td>
<td>21,756</td>
<td>13,924</td>
<td>6,188</td>
</tr>
<tr>
<td>2250</td>
<td>48,319</td>
<td>27,179</td>
<td>17,395</td>
<td>7,731</td>
</tr>
<tr>
<td>2500</td>
<td>59,031</td>
<td>33,205</td>
<td>21,251</td>
<td>9,445</td>
</tr>
<tr>
<td>3000</td>
<td>83,671</td>
<td>47,065</td>
<td>30,122</td>
<td>13,387</td>
</tr>
<tr>
<td>3500</td>
<td>112,598</td>
<td>63,336</td>
<td>40,535</td>
<td>18,016</td>
</tr>
<tr>
<td>4000</td>
<td>145,811</td>
<td>82,019</td>
<td>52,492</td>
<td>23,330</td>
</tr>
<tr>
<td>4500</td>
<td>183,311</td>
<td>103,112</td>
<td>65,992</td>
<td>29,330</td>
</tr>
<tr>
<td>5000</td>
<td>225,098</td>
<td>126,617</td>
<td>81,035</td>
<td>36,016</td>
</tr>
</tbody>
</table>

The square footage is the total of 100 per cent of the first floor and 50 per cent of each additional floor up to and including the fourth floor.

Sec. 54-87. Fire prevention and protection fees.

(a) Tent permits for all tents 200 square feet or greater is $75.00

(b) System permits:

1. Fixed Pipe Suppression System Permit
   $50.00 per system

2. Fire Sprinkler System Permit
   $150.00 for systems with up to 200 heads
   $0.50 for each additional head
   $1,500.00 maximum fee

3. Fire Alarm System Permit
   $150.00 for systems with up to 200 initiating and/or signaling devices
   $0.50 for each additional initiating and/or signaling device
$500.00 maximum fee

4. Standpipe/Water Supply Permit
   $100 per system when not installed in conjunction with new building construction

5. Smoke Control System Permit
   $75.00 for each system

6. Flammable or Combustible Liquid Tanks Permit
   $120.00 for each system

7. Preliminary Plan Review
   $60.00 per hour for the preliminary review of plans, which have not been submitted for approval and for which no permit has been issued.

8. Re-inspection/Retest
   $50.00 for each re-inspection. This fee shall be paid before any subsequent inspections are made.

9. Modification Permit
   $75.00
   Includes: Existing Sprinkler Systems (up to twenty sprinkler heads)
   Existing Alarm Systems (up to ten initiating/signaling devices)

10. Double Permit Fees. The fire code official may impose a double permit fee when he finds that a condition, activity or occupancy requiring a permit exists and no permit has been issued by the fire official.

11. Control Burning Permit
    $75.00
    This fee is to include site assessment.

12. License Inspections
    State licensed facilities that require annual fire inspections for operational permits. Non-profit or government organizations are exempt from this section.

    Daycares . . . $50.00

    Nursing or care centers . . . $150.00

    Hospitals . . . $200.00

    Institutional restrained . . . $200.00

    Licensed in home facilities . . . $50.00
Foster homes or adoption centers . . . exempt

13. Firewatch - $50.00 per hour per qualified fire service personnel.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. This Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective sixty days after the second and final reading of same.

PASSED: First Reading this the ____ day of ________________, 2008.

PASSED AND APPROVED: Second and Final Reading this the ____ day of ____________, 2008.

CITY OF NEW BRAUNFELS

By: __________________

Bruce Boyer, Mayor

ATTEST:

MICHAEL A. RESENDEZ, City Secretary

APPROVED AS TO FORM:

Alan C. Wayland, City Attorney
COUNCIL AGENDA ITEM

SUBJECT: Ordinance No. 2008-__

MATTER/PROJECT: 

ORIGINATING DEPARTMENT: Parks & Recreation

PRESENTING DEPARTMENT: 

COUNCIL DATE: May 27, 2008

PRESENTER: Stacey Laird

AGENDA #:

AGENDA CAPTION:

DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 86-7 "OPERATION OF VEHICLES IN PARKS," SUBSECTION (d) "PARKING FEES IN PRINCE SOLMS PARK EAST" OF THE NEW BRAUNFELS CODE OF ORDINANCES TO USE THE FEES COLLECTED IN 2008 FOR IMPROVEMENT OF THE PARK AND TO REPEAL SUBSECTION (d) EFFECTIVE JANUARY 1, 2009; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

RATIONALE:

At its meeting on March 24, 2008, the City Council received a presentation about parking in Prince Solms Park (NOTE: the current City Code provision refers to the Park as Prince Solms Park East although the Park is commonly referred to as Prince Solms Park.) and voted to allow the parking fees collected during 2008 to be used for improving the Park and to abolish parking on the grass and parking fees beginning in January, 2009. The attached ordinance implements the desires of the City Council has expressed at the March 24, 2008 meeting.

The amended ordinance designates that the parking fees collected in 2008 shall be designated for restoration and improvement of Prince Solms Park. It also provides for the repeal of Subsection (d) in its entirety beginning on January 1, 2009. The repeal of the Subsection (d) will eliminate parking fees in the Park and will prevent parking on the grassy areas. Another section of the City Code, Sec. 86-4(d), prevents vehicles from parking or driving across any grassy areas in the parks and provides that vehicles shall remain on designated roadways.

FISCAL IMPACT:

The City will lose revenue from parking in Prince Solms Park beginning in 2009.

BOARD RECOMMENDATION:

The Park & Recreation Advisory Board voted to recommend the ordinance at its meeting on May 6, 2008.

STAFF RECOMMENDATION:

Staff recommends approval of the Ordinance.

ATTACHMENT: Ordinance No. 2008-__
ORDINANCE NO. 2008 -

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 86-7 “OPERATION OF VEHICLES IN PARKS,” SUBSECTION (d) “PARKING FEES IN PRINCE SOLMS PARK EAST” OF THE NEW BRAUNFELS CODE OF ORDINANCES TO USE THE FEES COLLECTED IN 2008 FOR IMPROVEMENT OF THE PARK AND TO REPEAL SUBSECTION (d) EFFECTIVE JANUARY 1, 2009; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1: That Section 86-7 “Operation of vehicles in parks,” Subsection (d) “Parking fees in Prince Solms Park East” of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

(d) Parking fees in Prince Solms Park East. There shall be a parking fee charged for all parking spaces, including any designated temporary parking areas not paved but cordoned off upon grassy areas and all permanent paved parking spaces, in Prince Solms Park East between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays and holidays from Easter weekend through Memorial Day weekend and on weekdays and weekends from Memorial Day weekend through Labor Day, except when it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such fee. Such parking fee shall be paid by the operator of each vehicle at or near the entrance driveway of Prince Solms Park East upon entering such park and shall be in the amount as follows:

(1) Automobile, pickup truck or van, each . . . $7.00

(2) Motor home, bus or other type large vehicle, each . . . $10.00

A resident tennis player-parking pass shall be made available for users of the Prince Solms Park East tennis courts. For the purpose of this section, the term “resident” applies to persons who reside within the city limits. All holders of a resident tennis player parking pass shall be entitled entry into Prince Solms Park East parking area at no additional charge on weekdays, excluding holidays, from Memorial Day weekend through Labor Day for the purpose of parking their vehicles to utilize the tennis courts in the park. The term of the resident tennis player-parking pass is Memorial Day weekend through Labor Day in the same year the pass was purchased. The fee for the resident tennis player-parking pass shall be $20.00.
All parking fees earned under this subsection (d) in 2008 shall be placed in a separate fund designated for the restoration and improvement of Prince Solms Park East.

Effective January 1, 2009, the provisions of this Subsection (d) shall be repealed.

SECTION 2: This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within Prince Solms Park East, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3: That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4: This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this ___ day of __________, 2008.

PASSED AND APPROVED: Second reading this ___ day of __________, 2008.

CITY OF NEW BRAUNFELS, TEXAS

R. Bruce Boyer, Mayor

ATTEST:

Michael A. Resendez, City Secretary

APPROVED AS TO LEGAL FORM:

Alan C. Wayland, City Attorney
COUNCIL AGENDA ITEM

SUBJECT MATTER/PROJECT: Appointments to various boards and commissions

ORIGINATING DEPARTMENT: City Secretary PRESENTER: Michael A. Resendez

COUNCIL DATE: May 27, 2008 AGENDA #: 5

AGENDA CAPTION:

DISCUSS AND CONSIDER ACTION REGARDING THE FOLLOWING CITY OF NEW BRAUNFELS BOARD AND COMMISSION APPOINTMENTS:

1) THREE MEMBERS TO THE PLANNING AND ZONING COMMISSION FOR THREE-YEAR TERMS ENDING MAY 31, 2011.

2) FIVE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT FOR TWO-YEAR TERMS ENDING MAY 31, 2010; THREE OF THE MEMBERS TO SERVE IN A REGULAR CAPACITY AND TWO MEMBERS TO SERVE IN AN ALTERNATE CAPACITY.

(See attached sheet and applications)

RATIONALE:

Vacancy notices were posted on the City's bulletin board and website.

The vacancies on the Planning and Zoning Commission are due to expiring terms for Randy Vanstory, Sandy Nolte and Daniel Castillo.

The vacancies on the Zoning Board of Adjustment are due to expiring terms for regular members, Jerome Norris, James Blakey, II and Richard LaRochelle, Sr. and for alternate members, Willam Kotylo and Russell McDonald.

FISCAL IMPACT:

Not applicable.

BOARD RECOMMENDATION:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends that City Council appoint interested applicants to the positions currently available.
BOARD AND COMMISSION APPLICATIONS RECEIVED

1. Three members to the Planning and Zoning Commission for three-year terms ending May 31, 2011.
   - Melinda K. Poss, 505 Dallas Street
   - O. Daniel Castillo, 395 East Faust Street (reapplying)
   - Sandy Nolte, 1015 N. Houston Street (reapplying)
   - Russell S. McDonald, 1352 Poppy Lane (deployed in Iraq until Dec 2008)
   - Craig Massouh, 586 W. Mill Street
   - Jon Cooper, 1231 Huisache, Apartment #904

2. Five members to the Zoning Board of Adjustment for two-year terms ending May 31, 2010; three of the members to serve in a regular capacity and two members to serve in an alternate capacity.
   - Melinda K. Poss, 505 Dallas Street
   - Richard D. LaRochelle, Sr., 2665 Dove Crossing Drive (reapplying)
   - Jerome Norris, 28 Laurel Circle (reapplying)
   - Jon Cooper, 1231 Huisache, Apartment #904
   - Russell S. McDonald, 1352 Poppy Lane (reapplying for alternate – deployed in Iraq until Dec 2008)

Applicants current service on Boards and Commissions

<table>
<thead>
<tr>
<th>Name</th>
<th>Service Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melinda K. Poss</td>
<td>currently not serving on any other boards and commissions</td>
</tr>
<tr>
<td>O. Daniel Castillo</td>
<td>currently not serving on any other boards and commissions</td>
</tr>
<tr>
<td>Sandy Nolte</td>
<td>currently not serving on any other boards and commissions</td>
</tr>
<tr>
<td>Russell S. McDonald</td>
<td>currently not serving on any other boards and commissions</td>
</tr>
<tr>
<td>Craig Massouh</td>
<td>currently serving on Construction Board of Appeals until 02/24/2013 and the Main Street Advisory Board until 12/31/2008</td>
</tr>
<tr>
<td>Jon Cooper</td>
<td>currently not serving on any other boards and commissions</td>
</tr>
<tr>
<td>Richard D. LaRochelle, Sr.</td>
<td>currently serving on the Planning and Zoning Commission until 05/31/2009</td>
</tr>
<tr>
<td>Jerome Norris</td>
<td>currently not serving on any other boards and commissions</td>
</tr>
</tbody>
</table>

Interview Time Schedule

1) Craig Massouh  5:05 p.m.
2) Jon Cooper     5:10 p.m.
3) Sandy Nolte    5:15 p.m.
4) Melinda K. Poss 5:20 p.m.
5) O. Dan Castillo 5:25 p.m.
6) Richard D. LaRochelle, Sr. 5:30 p.m. (will not be present – out of state)
7) Jerome Norris  5:35 p.m.

ATTACHMENT (A)
CITY OF NEW BRAUNFELS
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE/APPLICATION

Name: MELINDA KOESTER FOSS, AIA
Street Address: 505 DALLAS ST
City, State & Zip: NB, TX 78130
Phone Number: (619) 0751 Home (624) 0331 CEL Business
E-mail: M-FOSS@SBCGLOBAI.NET
Employer: SELF
Occupation: ARCHITECT
Business Address: WORK OUT OF HOME
How long have you been a resident of New Braunfels? YES
Are you a qualified voter of the City? YES

Please give a brief resume, including education, past employment, any special background or qualifications you have for serving on this board/commission. Use attachments if necessary.

I AM A REGISTERED ARCHITECT WITH A SPECIALTY IN HISTORIC RESTORATION, PRESERVATION & ADAPTATION. IN DALLAS I SERVED ON THE SWISS/MUNGER TASK FORCE OF THAT CITY'S HISTORIC LANDMARK COMMISSION.

Please state why you wish to serve the City of New Braunfels as a member of a board, commission, or committee. Use attachments, if necessary.

I HAVE BEEN ACTIVE IN THE NB HISTORIC SCENE FOR MANY YEARS. I DESIGNED & SUPERVISED THE RESTORATION & ADDITION AT ADO S. ACADEMY. I AM AN ACTIVE MEMBER OF THE NB CONSERVATION SOCIETY.
Do you currently serve on a City board or commission? Yes ______ No ✓
If yes, which board or commission? __________________________________________
How long? ________________________________________________________________

Do you have any relatives who work for the City of New Braunfels? Yes____ No ✓
If so, who? ______________________________________________________________

Do you receive any direct compensation or gain from the City of New Braunfels?
Yes____ No ✓
If so, what type? _________________________________________________________

Do you receive any direct compensation or gain from any governmental body?
Yes____ No ✓
If so, what type? _________________________________________________________

If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. LANDMARK COMMISSION
2. PLANNING
3. ZONING

SIGNATURE: [Signature] DATE: 04/12/2023
CITY OF NEW BRAUNFELS
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE/APPLICATION

Name: D. Daniel Castillo

Street Address: 395 East Feust

City, State & Zip: New Braunfels, TX 78130

Phone Number: 626-2054 Home 626-7073 Business

E-mail: dan.castillo@sitenb.com

Employer: SITE, Inc.

Occupation: Architect

Business Address: 917 Kuehler Ave, NB, TX 78130

How long have you been a resident of New Braunfels? 11 yrs

Are you a qualified voter of the City? Yes

Please give a brief resume, including education, past employment, any special background or qualifications you have for serving on this board/commission. Use attachments if necessary.

Bach of Environ Design / Architecture, Tex A&M Univ.
SITE Architects, President, 2002 - 2008
Planning & Zoning Commission 2005 - 2008
Historic Landmark Comm., Past Chair
Arts Commission, Past Chair

Please state why you wish to serve the City of New Braunfels as a member of a board, commission, or committee. Use attachments, if necessary.

Develop and protect the environmental aspects of our community.
Do you currently serve on a City board or commission? Yes V No _

If yes, which board or commission? Planning & Zoning Comm.  

How long? 3 years

Do you have any relatives who work for the City of New Braunfels? Yes No X

If so, who? N/A

Do you receive any direct compensation or gain from the City of New Braunfels? Yes No X

If so, what type? N/A

Do you receive any direct compensation or gain from any governmental body? Yes No X

If so, what type? N/A

If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. Planning & Zoning Commission

2. 

3. 

SIGNATURE: O. Tom Cohn  DATE: 4/13/05
CITY OF NEW BRAUNFELS
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE/APPLICATION

Name: ________________

Street Address: ________________

City, State & Zip: ________________

Phone Number: Home: 830/625-4866 Business: 830/625-4866 Cell: 830/708-1219

E-mail: ________________

Employer: __________________

Occupation: __________________

Business Address: 604 S. Seguin & 175 N. Market St., New Braunfels, Texas 78130

How long have you been a resident of New Braunfels? ________________

Are you a qualified voter of the City? ________________

Please give a brief resume, including education, past employment, any special background or qualifications you have for serving on this board/commission. Use attachments if necessary.

Education and Employment
I graduated from Crosby High School and attended Kilgore College. I have been a licensed Realtor here in New Braunfels for the past 25 years. I also do property management. I take continuing real estate education courses each year and attend, from time to time, special workshops with the Planning Commission.

Please state why you wish to serve the City of New Braunfels as a member of a board, commission, or committee. Use attachments, if necessary.

Planning Commission Qualifications
During the time of my serving as a member of the Planning Commission, I have tried to preserve the quality of life that citizens have had and want to continue to have in the future. I strongly favor the historical preservation efforts of individual citizens and groups that help keep New Braunfels unique. Challenges are always facing this community, many of these not having simple solutions. New Braunfels will continue to grow and these growing pains will require a delicate balance of protecting our home and historic neighborhoods while allowing business to expand in a regulated manner that meets our community standards. The decisions that are made by the Planning Commission affect all of us. I live and work in New Braunfels, and my family lives in New Braunfels and my son is a 6th generation New Braunfels resident. I will do my best for New Braunfels because I care.
Do you currently serve on a City board or commission? Yes _x_ No _ 
If yes, which board or commission? __Planning Commission__
How long? _2 terms and a partial term_

Do you have any relatives who work for the City of New Braunfels? Yes _ No _x_
If so, who? __________________________________________________________________________

Do you receive any direct compensation or gain from the City of New Braunfels? Yes _ No _x_ If so, what type? __________________________________________________________________________

Do you receive any direct compensation or gain from any governmental body? Yes _ No _x_ If so, what type? __________________________________________________________________________

If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. Planning Commission
2. __________________________________________________________________________
3. __________________________________________________________________________

SIGNATURE: __________________________________________________________________________
DATE: 5/1/08
CITY OF NEW BRAUNFELS
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE/APPLICATION

Name:__________________________ Russell S. McDonald

Street Address:__________________ 1352 Poppy Lane

City, State & Zip:______________ New Braunfels, Texas 78130


E-mail:__________________________ russell.mcdonald@trcc.state.tx.us

Employer:_______________________ Texas Residential Construction Commission

Occupation:____________________ State Inspector

Business Address:_______________ 311 E. 14th, Austin, Texas 78711

How long have you been a resident of New Braunfels?__________19 years

Are you a qualified voter of the City?__________Yes

Please give a brief resume, including education, past employment, any special background or qualifications you have for serving on this board/commission. Use attachments if necessary.

__________________________________________See attached Resume

__________________________________________

__________________________________________

__________________________________________

Please state why you wish to serve the City of New Braunfels as a member of a board, commission, or committee. Use attachments, if necessary.

__________________________________________

As a privileged current member, I would consider it an honor to continue

serving my community.

__________________________________________
Do you currently serve on a City board or commission? Yes X No
If yes, which board or commission? Zoning Board of Adjustments

Do you have any relatives who work for the City of New Braunfels? Yes X No
If so, who? Adriana McDonald

Do you receive any direct compensation or gain from the City of New Braunfels? Yes No X
If so, what type?

Do you receive any direct compensation or gain from any governmental body? Yes X No
If so, what type? Employee of TRCC

If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. Zoning Board of Adjustments
2. Planning & Zoning Commission
3. Construction Board of Appeals

SIGNATURE: [Signature]
DATE: 5/9/08

U:\Planning\SSarske\My Documents\Board Application.doc
----- Original Message ----- 
From: Russell
To: Adriana
Sent: Monday, April 28, 2008 11:11 PM
Subject: ZBA

I'm sorry, yes, I want to be on ZBA. Let them know I am deployed and won't be available till December or maybe November.

-----Original Message-----
From: Adriana
Sent: Apr 28, 2008 6:54 PM
To: Russell
Subject: ZBA

I read your emails but you didn't let me know if you want me to re-apply for ZBA. (Quick question, we got a notice of your term on the zoning board of adjustments expiring; do you want me to re-apply for you or no? Let me know if you do, we need to have this in by May 19th.)
Russell S. McDonald

1352 Poppy Lane
New Braunfels, Texas 78130

Home Phone (830) 629-2305
Work Phone (512) 475-0388

◆ PERSONAL DATA

<table>
<thead>
<tr>
<th>Age - 49</th>
<th>Health - Excellent</th>
<th>Height - 5'10&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight - 188#</td>
<td>Born - 9/25/57</td>
<td>Married 26 years - 1 Child</td>
</tr>
</tbody>
</table>

◆ WORK HISTORY

Current
3/13/06-present
Texas Residential Construction Commission (TRCC)
State Investigator/Inspector. Provides a neutral, technical review of alleged post-construction defects in accordance with the State adopted codes. Also provides information to educate homeowners and the residential construction industry. Performs advanced investigative work. Work involves planning, organizing, and conducting investigations on complaints and administrative rule violations. Prepares reports on findings and recommendations. Works under general direction of the General Council, with extensive latitude for the use of initiative and independent judgment.

6 years
2000-3/10/06
City of New Braunfels
Chief Building Inspector. Reviews construction plans and issues Building Permits. Inspects all phases of construction-Commercial and Residential. Assists Building Official with various responsibilities- enforcing local and state codes; enforcing City adopted codes and ordinances.

July 2005-present
United States Air Force Reserve

6 years
1999-2005
United States Naval Reserve
Petty Officer in Naval Reserve. Recalled to active duty after 9/11. Served one year as military law enforcement officer for Corpus Christi Naval Air Station.

3 years
1997-2000
Comal County Fair Association
Grounds Manager. Responsible for maintenance, remodeling and/or upgrade of the Fair Grounds and Buildings. Scope of duties includes property/inventory control, supervising persons assigned to the Community Service Restitution Program and Comal County inmates assigned to working community service hours.

7 years
1990-1997
McDonald's Electronic Repair
Self-employed. Owner/Operator, repairing Consumer Home Electronic Equipment. 1 year Repair of Residential Refrigeration; 2 years Major Appliances.

4 years
1986-1990
Highland Superstores
Senior Technician with this National Retail Appliance and Consumer Electronics Store.

1 year
1988-1989
Texas Army National Guard
Communication Chief (31V) for 112th Tank Battalion 49th Armored Headquarters.

8 1/2 years
1978-1986
United States Navy
Progressed to the level of First Class Petty Officer. Duties included 7 years of troubleshooting, operation and repair of shipboard electrical/electronic equipment. Served on the 640 Class Fleet Ballistic Missile Submarine for 5 years. Served 3 years at Chase Naval Air Station qualifying as Sub-surface & Aviation Enlisted Warfare Specialist.
EDUCATION

MILITARY: Site II CCTV, Integrated Announcing Systems, 16mm Motion Picture Projector, Xerox 860 Word Processor, MK8 Mod0 Fresnel Lens Optical Landing Systems, Type G Telephone, Test Equipment, Video Game Repair, Quality Assurance, Interior Communications Electrician, Career Counselor, and TA Tow Tractor, GTC-85, NC-8A, ASP Tactical Baton, OC pepper foam, Weapons of Mass Destruction Awareness, EVOC, Structural Specialist Training

CIVILIAN: Business Algebra (Florida State) Electronics 101 & 102 (Chicago City College) Real Estate for Sales License (Bee County College) Refrigeration (Texas A & M) Factory Schools for the repair of the following: RCA, GE, Sharp, Hitachi, Magnavox, Sony, JVC, Whirlpool, Hotpoint, Maytag, Open Water Certified Scuba Diver Open Meetings Act

SBCCI Certified Mechanical Inspector Lic # 2325
ICC Certified Mechanical Inspector Lic # 5168413-M5
SBCCI Certified Plumbing Inspector Lic # 3322
ICC Certified Plumbing Inspector Lic # 5168413-P5
ICC Certified Residential Building Inspector Lic # 255S
ICC Certified Residential Building Inspector Lic # 5168413-B1
ICC Certified Residential Electrical Inspector Lic # 5168413-E1
ICC Certified Residential Plumbing Inspector Lic # 5168413-P5
ICC Certified Residential Mechanical Inspector Lic # 5168413-M5
ICC Certified Residential Combination Inspector Lic # 5168413-R5
Texas State Certified Plumbing Inspector Lic # I-2406
Texas State Certified Refrigeration Technician Lic # ACREGS0265

INTERESTS & ACTIVITIES
- Active - City of New Braunfels Zoning Board of Adjustments (Alternate Member)
- Active - Scuba Diving
- Active - Comal County Fair Association Director
- Active - American Legion
- 4 years - City of New Braunfels Zoning Board of Adjustments (Regular Member)
- 2 years - City of New Braunfels Planning Commission (Regular Member)
- 10 years - New Braunfels Safe City Commission (Chairman 1996-1997)
- 4 years - Junior Chamber of Commerce
- 6 years - Gruene Music Fest
- 3 years - New Braunfels Optimist
- 2 years - American Quarter Horse Association

REFERENCES
Furnished Upon Request
Russell S. McDonald

- EDUCATION

MILITARY: Site II CCTV, Integrated Announcing Systems, 16mm Motion Picture Projector, Xerox 880 Word Processor, MK8 Mod0 Fresnel Lens Optical Landing Systems, Type G Telephone, Test Equipment, Video Game Repair, Quality Assurance, Interior Communications Electrician, Career Counselor, and TA Tow Tractor, GTC-85, NC-8A, ASP Tactical Baton, OC pepper foam, Weapons of Mass Destruction Awareness, EVOC, Structural Specialist Training

CIVILIAN: Business Algebra (Florida State)
Electronics 101 & 102 (Chicago City College)
Real Estate for Sales License (Bee County College)
Refrigeration (Texas A & M)
Factory Schools for the repair of the following:
RCA, GE, Sharp, Hitachi, Magnavox, Sony, JVC, Whirlpool, Hotpoint, Maytag.
Open Water Certified Scuba Diver
Open Meetings Act

SBCCI Certified Mechanical Inspector  Lic # 2325
ICC Certified Mechanical Inspector  Lic # 5168413-M5
SBCCI Certified Plumbing Inspector  Lic # 3322
ICC Certified Plumbing Inspector  Lic # 5168413-P5
ICC Certified Residential Building Inspector  Lic # 255$  
ICC Certified Residential Building Inspector  Lic # 5168413-B1
ICC Certified Residential Electrical Inspector  Lic # 5168413-E1
ICC Certified Residential Plumbing Inspector  Lic # 5168413-P5
ICC Certified Residential Mechanical Inspector  Lic # 5168413-M5
ICC Certified Residential Combination Inspector  Lic # 5168413-R5
Texas State Certified Plumbing Inspector  Lic # 1-2408
Texas State Certified Refrigeration Technician  Lic # ACREGS0265

- INTERESTS & ACTIVITIES

- Active – City of New Braunfels Zoning Board of Adjustments (Alternate Member)
- Active - Scuba Diving
- Active - Comal County Fair Association Director
- Active - American Legion
- 4 years - City of New Braunfels Zoning Board of Adjustments (Regular Member)
- 2 years - City of New Braunfels Planning Commission (Regular Member)
- 10 years - New Braunfels Safe City Commission (Chairman 1996-1997)
- 4 years - Junior Chamber of Commerce
- 6 years - Gruene Music Fest
- 3 years - New Braunfels Optimist
- 2 years - American Quarter Horse Association

- REFERENCES
Furnished Upon Request
CRAIG MASSOUH

586 W. MILL ST.

NEW BRAUNFELS

214-0500 Home # 620-0778 Business

cgmassociates@sbcglobal.net

CGM ARCHITECTS

ARCHITECT

443 W. SAN ANTONIO ST.

3 YRS.

YES.

(15) YEARS IN COMMERCIAL ARCHITECTURE
(13) YEARS IN COMMERCIAL CONSTRUCTION.
NATIVE TEXAN - 7 GENERATIONS.

HELP GUIDE THE CITY THROUGH GROWTH USING
COMMON SENSE DECISIONS AND FAIRNESS.
Do you currently serve on a City board or commission? Yes ✓ No. If yes, which board or commission? MAIN ST. How long? 2 years. Do you have any relatives who work for the City of New Braunfels? Yes No. If so, who? Do you receive any direct compensation or gain from the City of New Braunfels? Yes No. If so, what type? Do you receive any direct compensation or gain from any governmental body? Yes No. If so, what type? If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. PLANNING AND ZONING
2. 
3. 

SIGNATURE: ___________________ DATE: 5.16.08
CITY OF NEW BRAUNFELS
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE/APPLICATION

Name: Jon Cooper
Street Address: 1231 Huisache, Apt 904
City, State & Zip: New Braunfels, TX 78130
Phone Number: 830-629-0383 Home 830-837-3703 Business
E-mail: jonmcooper@gmail.com
Employer: EH Systems
Occupation: Construction Design Manager
Business Address: 710 FM 306, N.B. TX

How long have you been a resident of New Braunfels? Two months
Are you a qualified voter of the City? Pending

Please give a brief resume, including education, past employment, any special background or qualifications you have for serving on this board/commission. Use attachments if necessary.

Bachelor of Architecture, Bachelor of Science (Civil Engineering) Licensed Architect (LA, NCARB)
12 Years Experience Managing Planning as University Planner/Architect Resume Attached

Please state why you wish to serve the City of New Braunfels as a member of a board, commission, or committee. Use attachments, if necessary.

I wish to contribute over 20 years of experience to my new community in a meaningful venue.
SECOND PAGE

Do you currently serve on a City board or commission?  Yes______  No✓

If yes, which board or commission?__________________________________________________________

How long?________________________________________________________________________________

Do you have any relatives who work for the City of New Braunfels?  Yes_  No✓

If so, who?_______________________________________________________________________________

Do you receive any direct compensation or gain from the City of New Braunfels?
Yes___  No✓

If so, what type?___________________________________________________________________________

Do you receive any direct compensation or gain from any governmental body?
Yes___  No✓

If so, what type?___________________________________________________________________________

If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. **PLANNING & ZONING COMMISSION**

2. **ZONING BOARD OF APPEALS**

3. _____________________________________________________________

SIGNATURE: ______________________ DATE: May 19, 2008
• Directed predevelopment activities leading to construction starts of projects for university associated student apartments. Responsibilities included direction of five project managers and support personnel, design build contract negotiation with universities, design contract negotiation and coordination with JPI's construction division.

• Successfully participated in national marketing and business development for department.

• Managed writing / publication of proposals and responses to RFIs, RFQs and RFPs including preliminary estimating, scope determination and financial modeling, built “pipeline” of over $75M in new projects.

• Successful oversight and approval of all property development functions including site investigations, due diligence, design, design coordination with owners, municipalities and property management, estimating and construction.

**Director of Construction and Planning, University of North Texas** 1996 – 1998

• Managed planning and design of over $40M in major and minor facilities improvements for the University of North Texas supervising staff of five project managers and inspectors.

• Responsible for planning, design and construction of all new construction and renovation for university, including design review and oversight responsibility.

• Provided quality/constructibility/functional review of all project aspects during design.

• Negotiated and managed design contracts for architecture and engineering services.

• Prepared budgets for university construction programs

• Responsibility for oversight of construction projects managed by self and supervised staff.

• Managed negotiation and administration of construction contracts.

**Construction and Planning Project Manager, North Carolina State University** 1987 - 1996

• Managed planning for over $100M in new construction and renovation for NCSU.

• Managed planning of buildings, roads, utilities and master planning for the new Centennial Campus for six years.

• Served as university facility planning project manager on behalf of North Carolina State University. Successfully managed projects in planning including $43M semiconductor and materials engineering research facility, retail, animal research facilities, hazardous material facility and a pulp and paper pilot plant. Oversight of project budget and schedules bridged long time gap between budgeting and bidding of projects bringing projects to occupancy on time and within budget.

• Prepared annual budgets for university construction programs including all hard & soft costs.

• Provided design review and oversight on self-managed and all other university projects.

**Education**

Bachelor of Architecture  
Bachelor of Science, Civil Engineering

**Professional Affiliations**

Louisiana Architectural License  
Texas Architectural License  
North Carolina Architectural License  
National Council of Architectural Registration Boards Certification

Active Status  
Inactive Status  
Inactive Status  
Since 1985

**Miscellaneous**

Building Committee Chair – Heart of Carolinas Chapter Habitat for Humanity

Self-proficiency in most building trades

President, Oak Valley Estates Water Association

Recipient of AIA grant for brick veneer research

PO Box 312453 • New Braunfels, Texas 78131 • (mobile) 830-837-3703 • (home) 830-629-0383  
jonmcooper@gmail.com
Jon Cooper
Senior construction professional with over 20 years experience in management of design and construction. Comprehensive understanding of construction, design, contracting, construction law, financing, and teamwork. Primary experience includes over $200M experience in project development and construction management of military housing, office buildings, technical, industrial, laboratory facilities, retail, single and multi-family housing, streets and utilities. Experience includes pre-construction due diligence for permitting, financing environmental, and governmental approvals.

Manager Planning & Construction, EH Systems, Inc.
November 2007 - present
- Manage group of 6 persons that performs shop drawings, panel layouts and technical analysis for Structural Insulated Panel manufacturer.
- Support manufacturing, sales/marketing and business development efforts.
- Manage all structural and technical aspects of panel design and associated panel construction.

Senior Associate, Marx / Okubo Associates, Inc.
June 2006 - October 2007
- Perform pre-construction project design/contract/entitlement review for multifamily, retail and commercial projects as a service to lenders and owners.
- Provide construction quality, schedule, and budget oversight of multifamily, retail and commercial projects during construction.
- Property condition analysis of multifamily, retail and commercial properties for lender and owner due diligence.

Multi-Family Project Manager / VP, UDRT, Asset Quality
2005-2006
- Hired as project manager for major multi-family renovations and after two weeks on job asked to fill VP position for Newport Beach California office.
- Served as acting VP for West Coast Region from August 2005 until January 2006, managing 6 Project Managers and repairs and renovations to 70 multifamily properties in California, Oregon, Washington and Arizona totaling 20,000 units.
- Served as VP to manage repairs and renovations to approx. 80 UDRT multifamily properties in Texas, CO, FL, AR and TN, providing oversight for four project managers.

Project Manager, Real Estate Due Diligence, Multiple Companies (Enercon, EMG)
2002-2005
- Conducted property condition assessments and environmental site assessments required for commercial mortgage backed securities and for equity investors in multi-family, retail, office and industrial real estate. Assessments quantify properties’ current and projected conditions and associated costs of maintenance and repair requirements.
- Used on-site and municipal research to develop reports and financial models projecting the properties’ immediate, short term and long term maintenance and repair costs.

Senior Project Manager, Military Housing Privatization, Lend Lease Actus
2001-2002
- Participated in scope development, estimating, proposal writing and interviews resulting in Lend Lease Actus’ selection for privatization of Parris Island/Marine Corps Air Station’s base housing, a $125M public/private venture for design/build redevelopment of housing at the east coast Marine Corps’ Training facility.

Project Management, Multi-family Real Estate Design Build, JPI Student Housing
1998 – 2001
- Worked to build the “On-Campus” student housing department within existing JPI corporate structure to market and deliver design/build student housing services directly to universities.
- Successfully marketed military housing development proposals.
CITY OF NEW BRAUNFELS
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE/APPLICATION

Name: Richard D. La Rochelle, Sr.

Street Address: 2106 S Dove Crossing Dr.

City, State & Zip: New Braunfels, TX 78130

Phone Number: Home: 320-7173 Business: Cell: (714) 813-6243

E-mail: PL4Rochelle1877@SBCGlobal.net

Employer: Retired from the City of Anaheim

Occupation: Code Enforcement Supervisor

Business Address: 200 S. Anaheim Blvd.

How long have you been a resident of New Braunfels? 2 years

Are you a qualified voter of the City? Yes

Please give a brief resume, including education, past employment, any special background or qualifications you have for serving on this board/commission. Use attachments if necessary.

SEE ATTACHMENT

Please state why you wish to serve the City of New Braunfels as a member of a board, commission, or committee. Use attachments, if necessary.

SEE ATTACHMENT
SECOND PAGE

Do you currently serve on a City board or commission? Yes ☑ No

If yes, which board or commission? ZONING BOARD OF ADJUSTMENT

How long? 6 MONTHS EXP. 05-31-08

Do you have any relatives who work for the City of New Braunfels? Yes No

If so, who?

Do you receive any direct compensation or gain from the City of New Braunfels? Yes No

If so, what type?

Do you receive any direct compensation or gain from any governmental body? Yes ☑ No

If so, what type? RETIREMENT

If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. ZONING BOARD OF ADJUSTMENT
2. PLANNING COMMISSION
3. AIRPORT COMMISSION

SIGNATURE: ________________________ DATE: 04-24-08
OBJECT:
I am seeking the opportunity to serve within my community where my extensive experience, training, and skills would benefit any jurisdiction.

SUMMARY OF QUALIFICATIONS:
I am a retired professional with exemplary qualifications, including approximately 29 years of municipal government experience in a variety of increasingly responsible positions. I retired as a Code Enforcement Supervisor form the City of Anaheim where I had demonstrated superb communications skills with the public, present and formulate responses to the City Council and elected officials, conduct educational seminars at the University level, address committees, civic organizations, business groups, as well as the general public, interface with all levels of the public and private sectors and coordinate and schedule multiple projects. Furthermore, I am assertive and creative in problems solving., and able to conceptualize, develop and implement programs or strategies to overcome and resolve individual, committee, groups and organizational objections to the satisfaction.

EXPERIENCE:
I was a Code Enforcement Supervisor where I had the responsibility to supervise a staff of 11 full time, 8 part time employees, contract employees and 27 volunteers. Manage and participate in the preparation of the Code Enforcement Division budget. Administers a City Code Enforcement Program which had had the responsibility for a highly diverse scope of municipal, Federal and State codes and related areas including: land use, zoning, housing, public nusisance, building permits, hazardous waste / material removal and other related areas. I had successfully developed and implemented the innovative City sponsored, community volunteer programs, such as anti-graffiti, “MAKE YOUR MARK ON THE WORLD NOT ON THE WALL”, “PAINT YOUR HEART OUT -ANAHEIM”, which assist low income elderly or disable homeowners, and ”VOLUNTEERS IN PRIDE”, which entails public participation in Code Enforcement.

EDUCATIONAL BACKGROUND:
Fullerton College - Administration of Justice- AA Degree
Multiple Courses: Land Use, Planning Procedures, Housing, Code Enforcement, and Entrepreneurial Government, Police Science and Administration.

GUEST LECTURER:
University of Wisconsin; Golden West College
Topics: Code Enforcement, Land Use and Planning Procedures and Housing Procedures and Anti-Graffiti programs.

PAST PROFESSIONAL MEMBERSHIPS / AFFILIATIONS:
Past Vice - Chairman of the Orange County Transit Authority Taxi Program Safety Committee & Board member to the Steering Committee.
Past President and board member Of Anaheim Beautiful- Grass Roots Civic Improvement Group
Past President City Neighborhood Improvement Committees
Current member of the New Braunfels Kiwanis Club and Lieutenant Governor Elect for 2007-2008
Past member of the Kiwanis Club of Greater Anaheim, Santa Ana Elks Lodge # 794, Anaheim American Legion Post # 72, Anaheim Sister Cities Association
Past Vice President, Board Member and Instructor of the Southern California Association of Code Enforcement Officials
Past Chairman and committee member for the City of Santa Uniform Code of Appeals Board
Past member of the Orange County Comprehensive Economic Development Strategy Committee
Past member of the John Wayne Art Commission
Past member of the International Association of Transportation Regulators
Past part time Reserve Police officer for the City Of Placentia, 1976-1980 and the City of Brea, 1980-1985

Accomplishments:

American Planning Association Awards:
• Outstanding Planning Award- Orange County Chapter- 1991
• Advocacy Planning Award- Orange County Chapter - 1993
• Advocacy Planning Award - California Chapter -1993
• Advocacy Planning Award - National Chapter 1993
• Education Project Award - Orange County Chapter - 1994
• Planning Implementation Award - Orange County Chapter - 1998
• Planning Implementation Award - California Chapter - 1998

Certificates of Recognition:
• California State Assembly - Neighborhood Improvement - 1996
• California State Senate - Neighborhood Improvement 1996
• United States Congress - Neighborhood Improvement- 1997
• United States Senate - Neighborhood Improvement - 1998

Other Achievements:
Development and maintenance of the following City of Anaheim programs:
• "Wipe Out Graffiti"
• "Volunteers in Pride"
• Taxi Franchise Agreement

I am married to my wife Arlene for 39 years. We have two adult children married and we have 4 grand children.


References Available Upon Request
CITY OF NEW BRAUNFELS
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE/APPLICATION

Name: Jerome Norris

Street Address: 28 LAUREL Circle

City, State & Zip: New Braunfels TX 78130

Phone Number: Home: 25 - 8724 Business: 625 2357 Cell: 608-4514

E-mail: Jmorris@schlitterbahn.com

Employer: Waterpark Management

Occupation: Construction & Maint Supervisor

Business Address: 381 E Austin New Braunfels TX

How long have you been a resident of New Braunfels? LIFE

Are you a qualified voter of the City? Yes

Please give a brief resume, including education, past employment, any special background or qualifications you have for serving on this board/commission. Use attachments if necessary.

See Attached

Please state why you wish to serve the City of New Braunfels as a member of a board, commission, or committee. Use attachments, if necessary.

Served on ZBA for 4 yrs. would like to continue.
Do you currently serve on a City board or commission?   Yes  No
If yes, which board or commission?  Zoning Board of Adjustment
How long?  4 yr

Do you have any relatives who work for the City of New Braunfels? Yes  No
If so, who?

Do you receive any direct compensation or gain from the City of New Braunfels?  
Yes  No  If so, what type?

Do you receive any direct compensation or gain from any governmental body?  
Yes  No  If so, what type?

If selected by the New Braunfels City Council, on which boards/commission would you be willing to serve? Please be specific. This application will remain active for ninety (90) days, unless you are appointed to a board or commission. You must reapply, if you would like to be considered for another board or commission.

1. Zoning Board of Adjustment
2. 
3. 

SIGNATURE: [Signature]  DATE: 4/24/08
• Graduated NBHS '66
• Attended Sam Houston State and San Antonio College
• Served in USNR '67 thru '70 with tour in Viet Nam awarded Purple Heart and Bronze Star with Valor
• Owned and operated an Independent Insurance Agency and Real Estate Company with family from 1970 to 1982
• Started and operated a construction business, building and remodeling homes and light commercial from 1982 to 1997
• At present job since October 1997, in charge of maintenance and construction for both resort and Waterpark, including buildings, rides, pumps, motors, controls and support facilities.
COUNCIL AGENDA ITEM

SUBJECT       MATTER/PROJECT:  Green Valley Special Utility District Fire Flow
ORIGINATING DEPARTMENT:  Legal
PRESENTER:  Alan Wayland
COUNCIL DATE:  May 27, 2008
AGENDA CAPTION:

DISCUSS AND CONSIDER APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REGARDING FIRE PROTECTION IN THE GREEN VALLEY SPECIAL UTILITY DISTRICT SERVICE AREA

RATIONALE:

Green Valley Special Utility District has indicated it intends to paint all “test flow valves”, that have the appearance of a fire hydrant, black within their service area. The City of New Braunfels, Texas has its own color code system. Painting a fire hydrant black would adversely affect the ability of fire responders to locate a hydrant as well as delaying fire extinguishment caused by labeling hydrants black that may otherwise be functional.

FISCAL IMPACT:  Unknown.

BOARD RECOMMENDATION:  None.

STAFF RECOMMENDATION:
Approve the Resolution.
RESOLUTION NO. 2008-R-___

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REGARDING FIRE PROTECTION IN THE GREEN VALLEY SPECIAL UTILITY DISTRICT SERVICE AREA

WHEREAS, the City Council of the City of New Braunfels (the “City”) is dedicated to ensuring that all residents of the City and its extraterritorial jurisdiction have adequate fire protection; and

WHEREAS, the Green Valley Special Utility District (the “District”) pledged to the State of Texas at the time of the District’s creation to “establish, operate, and maintain fire-fighting facilities to perform all fire-fighting activities” within the District’s service area as a condition of being granted Special Utility District status; and

WHEREAS, the District has not established, operated, or maintained fire-fighting facilities to perform all fire-fighting activities within the District’s service area or assisted others in establishing or providing such facilities and services; and

WHEREAS, the City Council is informed that the District has painted, or intends to paint, all fire hydrants within the District’s service area black which indicates that such fire hydrants are either inoperative or cannot provide an adequate supply of water for fire-fighting activities; and

WHEREAS, such action by the District will cause confusion throughout the District’s service area and will endanger lives and property therein; and

WHEREAS, the District has reportedly told new businesses wanting to locate within the District’s service area that the District cannot provide an adequate water supply for sufficient fire flow to extinguish fires; and

WHEREAS, the City believes that the inability of the District to supply adequate water for fire protection within the District’s service area has suppressed and will suppress the economic growth of the area; and

WHEREAS, such action taken by the District will adversely affect fire insurance premiums for properties within the District’s service area and throughout the entire City of New Braunfels; and

WHEREAS, many governmental entities whose citizens are served by the District have expressed their concerns with and opposition to the actions of the District.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS THAT:
ATTEST:

________________________
Michael A. Resendez, City Secretary

(CITY SEAL)
<table>
<thead>
<tr>
<th>SUBJECT MATTER/PROJECT:</th>
<th>REPORTS</th>
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<tbody>
<tr>
<td>ORIGINATING DEPARTMENT:</td>
<td>Mayor</td>
</tr>
<tr>
<td>COUNCIL DATE:</td>
<td>May 27, 2008</td>
</tr>
<tr>
<td>PRESENTER:</td>
<td>Mayor Boyer</td>
</tr>
<tr>
<td>AGENDA #:</td>
<td>6</td>
</tr>
</tbody>
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**AGENDA CAPTION:**

a) City Council’s Report

b) Staff Reports

**RATIONALE:**

**FISCAL IMPACT:**

**BOARD RECOMMENDATION:**

**STAFF RECOMMENDATION:**

Finance: 0

Agenda item #: 6

Council Date: May 27, 2008